

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/9/2019 5:11:19 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Peter Wright Packet

Thanks

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, July 9, 2019 12:56 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Peter Wright Packet

Hey Mike – We wanted Senator Ernst to have our “Peter Wright packet.”

We are circulating the attached documents:

- General backgrounder on Peter
- His recusal statement which is a public document and provided to all EPW Committee members
- His ABA letter of support
- The “Wright Rebuttal” – Senator Carper is circulating information to offices. We received his document has have rebutted it. We have provided that document in a Word and pdf attachment. Our experience is that Senator Carper likes to try to aggressively lobby Republican members. He did on Wheeler’s nomination which caused some Republican members to ask us questions which we quickly answered, but due to that experience we are on this immediately.

Some additional talking points:

Peter Wright

- Peter’s nomination to be EPA’s Assistant Administrator for the Office of Land and Emergency Response has been pending to date for over 490 days.
- Peter is uniquely qualified for this position as chief counsel for Dow’s environment, health and safety department. His entire career has been focused on environmental law specifically finding ways to clean up some of the most contaminated areas of the country.
- He was wholeheartedly endorsed by the American Bar Association’s Energy and Environment section in a letter signed by the Energy and Environment section chairs going back nearly 20 years. (Letter attached.)
 - Included in that list of supporters is John Cruden who served as President Obama’s Assistant Attorney General for Environment and Natural Resources. Mr. Cruden also served as the chief of environmental enforcement at DOJ and deputy assistant attorney general for environment and natural resources for 25 years before his appointment to run that office at DOJ by President Obama.
- The position of Assistant Administrator for Land and Emergency Response is significant because in every federal disaster declaration and in response to disasters well before formal declarations, FEMA each time works through EPA’s Assistant Administrator for the Office of Land and Emergency Management to:
 - address oil and chemical spills and releases,

- to test and address problems with drinking water and waste water systems,
- ensure the containment and safety from the nation's nearly 1,400 worst contaminated sites on EPA's National Priorities List, and
- coordinate with EPA's enforcement office to allow fuel suppliers to provide diesel and gasoline of all types in disaster areas to ensure that residents have no fuel shortages to be able to leave disaster areas well in advance and be able to return after the disaster to mend their homes and property and get their lives back to normal again.

I hope this is helpful.

Best,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Nuelle, Ben (Ernst) [Ben_Nuelle@ernst.senate.gov]
Sent: 9/18/2018 7:31:52 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]; Palich, Christian [palich.christian@epa.gov]; Thundiyil, Karen [Thundiyil.Karen@epa.gov]
Subject: RE: Follow Up

Thanks for your help.

Ben Nuelle | **Special Assistant for Agriculture**

United States Senator Joni K. Ernst

Ben_Nuelle@ernst.senate.gov

O: 515.284.4574 F: 515.284.4937

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, September 18, 2018 2:29 PM
To: Nuelle, Ben (Ernst) <Ben_Nuelle@ernst.senate.gov>
Cc: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Subject: RE: Follow Up

Thanks for joining the call, Ben. The Energy Policy Act of 2005 (RFS1) gave small refineries an exemption from compliance with the RFS from 2007-2010. And then for the following two years, under the Clean Air Act, the exemption was extended by the Administrator. Then the requests started coming in individually. Let us know if you have any additional questions.

Best,
Tony

Tony Frye

Special Advisor

Office of Congressional Affairs

Environmental Protection Agency

Cell: Ex. 6 Personal Privacy (PP)

From: Nuelle, Ben (Ernst) [mailto:Ben_Nuelle@ernst.senate.gov]
Sent: Tuesday, September 18, 2018 3:00 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Subject: Follow Up

Good afternoon Tony-

Thanks again for allowing Senator Ernst's office to be on the call today. I can't remember if this was addressed or not but do you know why the small refinery exemption data only goes back to 2013?

Thanks,
Ben

From: Nuelle, Ben (Ernst)
Sent: Monday, September 17, 2018 2:02 PM
To: 'frye.robert@epa.gov' <frye.robert@epa.gov>
Cc: 'Morgan.Ashley@epa.gov' <Morgan.Ashley@epa.gov>
Subject: EPA briefing RSVP

Good afternoon Tony,

I will be on the call tomorrow afternoon.

Thanks,

Ben Nuelle | **Special Assistant for Agriculture**
United States Senator Joni K. Ernst
Ben_Nuelle@ernst.senate.gov
O: 515.284.4574 F: 515.284.4937

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 5/23/2019 3:35:59 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Can you chat around 11:30?

Can you call me now? Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, May 23, 2019 11:04 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: Re: Can you chat around 11:30?

Yeah

Tony

On May 23, 2019, at 10:55 AM, Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov> wrote:

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building

Ex. 6 Personal Privacy (PP)

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Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 5/22/2019 1:42:18 PM
To: Skane, Elizabeth [Skane.Elizabeth@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Sen. Ernst Inquiry on EPA Blending Issue

Thank you!

From: Skane, Elizabeth <Skane.Elizabeth@epa.gov>
Sent: Wednesday, May 22, 2019 9:39 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: Sen. Ernst Inquiry on EPA Blending Issue

Hi Mike, I apologize for the delay in responding. I work with Tony and cover a number of wet weather issues. I'm not sure what guidance you might be referring to, but EPA is undertaking a rulemaking on blending. The Spring Reg Agenda was just released today and the entry for this rule indicates a proposal is projected for November 2019:

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2040-AF81>

I hope that is helpful, please let us know if there are any further questions or concerns.

Thanks!

Elizabeth

Elizabeth Skane 📞 202.564.5696
US Environmental Protection Agency
Office of Congressional Affairs
WJC North 34435

Begin forwarded message:

From: "Farr, Michael (Ernst)" <Michael_Farr@ernst.senate.gov>
Date: May 10, 2019 at 1:21:12 PM EDT
To: "'Frye, Tony (Robert)'" <frye.robert@epa.gov>
Subject: EPA Blending Issue

Tony,

Indianola reached out asking for an update on some EPA guidance on waste water blending that was supposed to come out in December. Can you look into this and provide an update? Here is what they sent over:

EPA support for blending - The draft guidance was slated to come out last December that will ultimately support blending when the high dilute wastewater flows would cause issue with the secondary treatment stability. Indianola is planning on blending for a portion of high flows. It would help Iowa DNR if EPA would issue the draft policy.

Thanks,
Mike

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building
202-224-3254



Message

From: Klein, Courtney (Ernst) [Courtney_Klein@ernst.senate.gov]
Sent: 5/14/2019 8:30:06 PM
To: Dickerson, Aaron [dickerson.aaron@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]
Subject: RE: Time for an Ernst/Wheeler Call?

Thank you. Can I have one of your cells in case there are any last minute emergencies, as well?

Thanks!

From: Dickerson, Aaron <dickerson.aaron@epa.gov>
Sent: Tuesday, May 14, 2019 4:18 PM
To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: RE: Time for an Ernst/Wheeler Call?

The Senator should call Ex. 6 Personal Privacy (PP) Thank you.

From: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Sent: Tuesday, May 14, 2019 3:57 PM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: RE: Time for an Ernst/Wheeler Call?

3pm tomorrow, May 15th will work. Please let me know the best number for Senator Ernst to call.

From: Dickerson, Aaron <dickerson.aaron@epa.gov>
Sent: Tuesday, May 14, 2019 3:51 PM
To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: RE: Time for an Ernst/Wheeler Call?

Noon on Thursday does not work. However 3pm on tomorrow has opened up for the Administrator, will that work? If not we can look at Friday at 2:45pm on Friday?

From: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Sent: Tuesday, May 14, 2019 11:53 AM
To: Dickerson, Aaron <dickerson.aaron@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: RE: Time for an Ernst/Wheeler Call?

Would Thursday at noon work?

From: Dickerson, Aaron <dickerson.aaron@epa.gov>
Sent: Tuesday, May 14, 2019 11:49 AM
To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: RE: Time for an Ernst/Wheeler Call?

Hi Courtney

Unfortunately, 9:30am tomorrow does not work for the Administrator. Are there any good times on Thurs/Fri that would work for the Senator?

From: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>

Sent: Tuesday, May 14, 2019 10:52 AM

To: Frye, Tony (Robert) <frye.robert@epa.gov>

Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>

Subject: RE: Time for an Ernst/Wheeler Call?

Hi all,

I just wanted to follow up on my email about a potential call tomorrow.

Thanks,
Courtney

Courtney Klein
Scheduler
Senator Joni Ernst (IA)
O: 202-224-3254

From: Klein, Courtney (Ernst)

Sent: Monday, May 13, 2019 8:30 PM

To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>

Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>

Subject: RE: Time for an Ernst/Wheeler Call?

Thanks, Tony!

I look forward to hearing from the Administrator's scheduling team about Wednesday.

From: Frye, Tony (Robert) <frye.robert@epa.gov>

Sent: Monday, May 13, 2019 3:20 PM

To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>

Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Dickerson, Aaron <dickerson.aaron@epa.gov>; Humphreys, Hayly <humphreys.hayly@epa.gov>

Subject: Re: Time for an Ernst/Wheeler Call?

Hey Courtney— looping the Adminsitrator's scheduling team to see about timing

Tony

On May 13, 2019, at 2:56 PM, Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov> wrote:

Thanks, Meris!

Hi Tony – I hope you're doing well! Senator Ernst has availability at 9:30am on Wednesday for a phone call. Please let me know if this works on your end. Otherwise, I'm happy to look into additional times/dates that are more convenient.

Best,
Courtney

Courtney Klein
Scheduler
Senator Joni Ernst (IA)
O: 202-224-3254

From: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Sent: Monday, May 13, 2019 2:53 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Cc: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Subject: Time for an Ernst/Wheeler Call?

Hi Tony –

Sen. Ernst is hoping to find a couple minutes this week to call Admin. Wheeler. She wants to touch base on the E15 rulemaking and get an update on how it's progressing.

I'm looping in Courtney, who is taking over for Josie as scheduler. What is the best way for us to proceed?

Thanks!
Meris

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510
(202) 224-3254

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Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 5/7/2019 1:25:57 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: POET - Corn Fiber Letter

Hi Tony –

Just following up again. Last week, in response to the request to have a call with Wehrum, we were told the letter would go out by Monday (yesterday). Any updates?

If it didn't go out, Senator Ernst would like to have a conversation with Administrator Wheeler. It was in a meeting with him that this letter idea was started.

Best,
Meris

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, April 23, 2019 5:37 PM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Subject: Re: POET - Corn Fiber Letter

I don't believe so, I asked our folks to let me know once they send it. I'll keep you in the loop if anything changes this evening

Tony

On Apr 23, 2019, at 4:58 PM, Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov> wrote:

Any updates, I'm assuming the letter has not gone out yet.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, April 22, 2019 12:02 PM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Subject: Re: POET - Corn Fiber Letter

Thanks Meris— let me check in with our folks and get back to you.
Thanks,

Tony

On Apr 22, 2019, at 11:49 AM, Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov> wrote:

Hi Tony –

Thank you again for helping make the meeting with Asst. Admin. Wehrum happen. I wanted to follow up on the letter that Administrator Wheeler had promised to POET on their corn fiber application. POET reached out to us today and said they still have not received the letter.

During the meeting Wehrum said that he had seen the draft and that it should have gone out in the next couple days and no more than a week. What's going on here? Can you give me an update?

Thanks!

Meris

Direct: Ex. 6 Personal Privacy (PP)

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254

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Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 1/31/2019 9:04:50 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Rulemaking updates

Can you call me real quick Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, January 29, 2019 1:53 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Rulemaking updates

Thanks Mike – Checking with our folks for the latest.

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Tuesday, January 29, 2019 12:58 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Rulemaking updates

Can you send over an update on where these rulemakings are?

-sound/transparent science
-cost-benefit analysis

Thanks

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 1/30/2019 9:02:09 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Rulemaking updates

Thanks!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, January 30, 2019 3:57 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Rulemaking updates

Here you go:

COSTS AND BENEFITS IN THE RULEMAKING PROCESS

Background:

- *In EPA's regulatory reform docket under Executive Order 13777, the Agency received comments about its consideration of costs and benefits.*
- *Courts have ruled that EPA may consider costs and benefits in its regulations (Michigan v. EPA re: MATS, Entergy v. Riverkeeper re: 316(b) cooling water).*
- *Most statutory provisions require or allow some consideration of cost, but there is significant variation in terminology regarding the scope of cost and benefit considerations.*
- *Virtually all EPA-related statutes leave the specifics on how costs and benefits are to be weighed in decision-making to EPA.*
- *EPA intends to address the question of how costs and benefits are weighed in decision making.*
- *EPA has separately addressed the presentation of some categories of costs and benefits (e.g., social cost of carbon, particulate matter co-benefits) in individual rulemakings and potentially updating our internal Guidelines for Producing Economic Analysis.*
- *EPA has also concluded a multi-year SAB review of economy-wide modelling.*

Key Points:

- *After concluding Office of Information and Regulatory Affairs (OIRA) review, EPA issued an Advance Notice of Proposed Rule Making (ANPRM) on June 7, 2018, entitled "Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process."*
- *On July 3, EPA extended the comment deadline from July 13 to August 13 in response to requests from ENGOs and other stakeholders.*

PROPOSED RULE ON STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE

Background:

- *On April 30, 2018, EPA announced a proposed rule to strengthen transparency in regulatory science.*
- *This action seeks to ensure that the regulatory science underlying EPA's actions is publicly available in a manner sufficient for independent validation.*

- *The proposed rule would apply prospectively to final significant regulatory actions.*
- *The proposed rule would require that all raw data underlying studies used to support these actions, regardless of who generated or funded them, be made publicly available.*
- *In addition, the proposal reiterates that where available and appropriate, EPA will continue to use peer-reviewed information, standardized test methods, consistent data evaluation procedures to ensure transparent, understandable, and reproducible scientific assessments.*
- *The comment period on the proposed rule closed on August 16, 2018. EPA received almost 600,000 public comments. More than 9,200 were unique comments, many of which raised multiple complex issues.*

Key Points:

- *The public comment period originally closed on May 30, but was extended to August 16.*
- *On July 17, EPA held a public hearing on the proposed rule.*

Tony Frye

Special Advisor

Office of Congressional Affairs

Environmental Protection Agency

Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>

Sent: Tuesday, January 29, 2019 12:58 PM

To: Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: Rulemaking updates

Can you send over an update on where these rulemakings are?

-sound/transparent science

-cost-benefit analysis

Thanks

Michael Farr

Legislative Assistant

Senator Joni Ernst

111 Russell Senate Office Building

202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/17/2019 4:38:18 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you give me a quick call? Ex. 6 Personal Privacy (PP)

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 4/2/2019 8:15:20 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Bennett, Tate [Bennett.Tate@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]
Subject: RE: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

Thanks. If Tate and Stephen can just reach out to Jim and set up a meeting, that'd be great.

Mike

-----Original Message-----

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, April 2, 2019 4:13 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Bennett, Tate <Bennett.Tate@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>
Subject: RE: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

Mr. Farr -- Looping Tate and Stephen to facilitate a meeting. Let me know if we can be helpful with anything else.

Thanks,
Tony

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

-----Original Message-----

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Tuesday, April 2, 2019 8:51 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

See below emails. Can you please reach out to Jim and get something at EPA set up for him?

Thanks

-----Original Message-----

From: Munro, Mary Kate (Ernst) <MaryKate_Munro@ernst.senate.gov>
Sent: Friday, March 29, 2019 11:46 AM
To: Brown, Tyler (Ernst) <Tyler_Brown@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

I don't have any, but Mike sometimes goes to Tony at EPA.

-----Original Message-----

From: Brown, Tyler (Ernst)
Sent: Friday, March 29, 2019 11:14 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Munro, Mary Kate (Ernst) <MaryKate_Munro@ernst.senate.gov>
Subject: FW: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

Any good points of contact?

-----Original Message-----

From: jbk@mchsi.com <jbk@mchsi.com>
Sent: Friday, March 29, 2019 10:49 AM
To: Rice, James (Grassley) <James_Rice@grassley.senate.gov>; Brown, Tyler (Ernst) <Tyler_Brown@ernst.senate.gov>
Subject: Hello and Ag, Commerce and Trade Issues for CJ Bio America and Iowa multi-million dollar investment

Hi James and Tyler. Could you have the appropriate staff member call my cell to discuss this? I am advising CJ on how to ~~get meetings~~ set up with the right folks at the Commerce, State, and EPA. Hope all is well. Jim Kersten Ex. 6 Personal Privacy (PP) Tyler_Brown@ernst.senate.gov

Hi James.

I will be in DC with the Fort Dodge Chamber the week of April 8-13. CJ Bio America, based in Seoul, South Korea, a new US, Iowa and Fort Dodge corporate citizen will also be attending for separate meetings.

Could you help CJ Bio meet with the appropriate Commerce Department, EPA, and State Department, members of your White House Team and or at their respective agencies?.

CJ Bio America was recruited into Iowa by former Governor Branstad and now Governor Reynolds. They have invested several hundred million dollars in their Fort Dodge, Iowa operations where they work with Cargill on using some of the bi-products Cargill creates at their plant adjacent to the CJ Fort Dodge Plant. They want to make additional US Investment in Fort Dodge and are doing their best to help improve our balance of trade deficits!

Would it be possible to have a meeting on Either April 9, 10 or 11 with staff in the above listed departments? We would probably only need 30 minutes but it will help CJ understand who they can deal with moving forward. Their investment in Iowa is their first significant US Investment and we would like to see much more invested in Iowa and Fort Dodge.

The meeting would be informational and fact finding for both groups. CJ will have their CJ Bio America President and Senior Operations Manager attend, along with me.

They would like to cover:

1. Tariffs on Chinese feed grade amino acids we need them to increase in order to stay competitive.
2. Lengthy regulatory approvals inhibiting expansion and investment
3. African Swine Fever-our customers are very concerned that it can infiltrate US. Our concern is that if a Chinese feed is mixed with our feed, which it usually is, and it is contaminated from China, it can damage our image.
4. They would also like to find incentives for environmentally sound enhancements via EPA or USDA. As they move into their next \$300 million expansion in Fort Dodge, they want to conserve energy and water, but by themselves, the investment is too great to justify without rebates or grants, or incentives. Would EPA and Treasury be good places to look into?

They already have meetings with the USDA set up.

Thanks and please call with any questions.

Thanks.

Jim Kersten

Ex. 6 Personal Privacy (PP)

Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 4/23/2019 1:20:48 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: POET - Corn Fiber Letter

Flag: Follow up

Any updates?

Also give me a call when you have a chance, I have a little more background. Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, April 22, 2019 12:02 PM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Subject: Re: POET - Corn Fiber Letter

Thanks Meris— let me check in with our folks and get back to you.
Thanks,

Tony

On Apr 22, 2019, at 11:49 AM, Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov> wrote:

Hi Tony –

Thank you again for helping make the meeting with Asst. Admin. Wehrum happen. I wanted to follow up on the letter that Administrator Wheeler had promised to POET on their corn fiber application. POET reached out to us today and said they still have not received the letter.

During the meeting Wehrum said that he had seen the draft and that it should have gone out in the next couple days and no more than a week. What's going on here? Can you give me an update?

Thanks!
Meris

Direct: Ex. 6 Personal Privacy (PP)

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254

<image001.png><image002.png><image003.png><image004.png>

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 12/6/2018 7:03:31 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]; Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: RE: *EMBARGOED* WOTUS Update Points

Flag: Follow up

Thanks, Tony! Will you please let us know who the other speakers are as well?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, December 5, 2018 5:36 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: *EMBARGOED* WOTUS Update Points

Wonderful! We should have an itinerary finalized in the coming days and I'll send your way when ready. I'll also follow up with Mike to make sure he has everything he needs. Have a great evening!

Tony

On Dec 5, 2018, at 4:51 PM, Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov> wrote:

Great! I think we can confirm. What can I get you to get the ball rolling?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, December 5, 2018 4:41 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: *EMBARGOED* WOTUS Update Points

Hey Josie — the event will be approximately a half hour, so arrival around 11:20am would be perfect.

Tony

On Dec 5, 2018, at 3:22 PM, Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov> wrote:

Hi Tony-
Thanks for sending this over. What time would Senator Ernst need to arrive?
Best-
Josie

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, December 4, 2018 4:23 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>

Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: *EMBARGOED* WOTUS Update Points

Hey Team Ernst – Looping Josie in as well. I also want to share information below about a WOTUS event we will be hosting Tuesday and would like to invite your boss to attend and speak at EPA Headquarters.

*WOTUS Replacement Proposed Rule Announcement
Tuesday, 12/11/18
11:30 AM (Doors Open at 10:45)
USEPA William Jefferson Clinton East Building (WJC East)
1201 Constitution Avenue N.W.
Washington, DC 20004*

Run of Show to Follow

Attendees: USACE's RD James, 150+ Presidents and representatives from (but not limited to) all 50 Farm Bureau Presidents (will be in town), NFIB, Edison Electric Institute Members, Rural Electric Cooperatives, US Chamber, NAM, all major ag commodity trades, national homebuilders, national association of realtors and other members of the Waters Advocacy Coalition (WAC), Members of Congress, U.S. Governors, U.S. Secretaries of Agriculture

We're working on putting together additional information to share with you all to make sure your boss is ready to respond to inquiries as well. Further, we'll have be in touch in the coming day or say with details about a briefing call to answer any follow up questions you may have.

Thank you for your consideration.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert)
Sent: Monday, December 3, 2018 3:11 PM
To: 'Bowman, Liz (Ernst)' <Liz_Bowman@ernst.senate.gov>; 'Farr, Michael (Ernst)' <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: *EMBARGOED* WOTUS Update Points

Hey Liz – Great chatting with you. As mentioned, attached, are the points about the WOTUS update coming out next week. This is still pending so please keep EMBARGOED until released. Let me know if you have any questions. Thanks for your consideration.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 12/4/2018 10:36:04 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]; Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Subject: RE: *EMBARGOED* WOTUS Update Points

Thanks...we currently have some scheduling conflicts that we are working through and will get back to you as soon as possible.

From: Palich, Christian <palich.christian@epa.gov>
Sent: Tuesday, December 4, 2018 5:30 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Subject: Re: *EMBARGOED* WOTUS Update Points

Can confirm...

Christian R. Palich
Deputy Associate Administrator
Office of Congressional Affairs

C: Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Dec 4, 2018, at 5:28 PM, Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov> wrote:

Thanks; can you confirm that we will be included in a future hallway poster?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, December 4, 2018 4:23 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: *EMBARGOED* WOTUS Update Points

Hey Team Ernst – Looping Josie in as well. I also want to share information below about a WOTUS event we will be hosting Tuesday and would like to invite your boss to attend and speak at EPA Headquarters.

*WOTUS Replacement Proposed Rule Announcement
Tuesday, 12/11/18
11:30 AM (Doors Open at 10:45)
USEPA William Jefferson Clinton East Building (WJC East)
1201 Constitution Avenue N.W.
Washington, DC 20004*

Run of Show to Follow

Attendees: USACE's RD James, 150+ Presidents and representatives from (but not limited to) all 50 Farm Bureau Presidents (will be in town), NFIB, Edison Electric Institute Members, Rural Electric Cooperatives, US Chamber, NAM, all major ag commodity trades, national homebuilders, national association of realtors and other members of the Waters Advocacy Coalition (WAC), Members of Congress, U.S. Governors, U.S. Secretaries of Agriculture

We're working on putting together additional information to share with you all to make sure your boss is ready to respond to inquiries as well. Further, we'll have be in touch in the coming day or say with details about a briefing call to answer any follow up questions you may have.

Thank you for your consideration.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert)
Sent: Monday, December 3, 2018 3:11 PM
To: 'Bowman, Liz (Ernst)' <Liz_Bowman@ernst.senate.gov>; 'Farr, Michael (Ernst)' <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: *EMBARGOED* WOTUS Update Points

Hey Liz – Great chatting with you. As mentioned, attached, are the points about the WOTUS update coming out next week. This is still pending so please keep EMBARGOED until released. Let me know if you have any questions. Thanks for your consideration.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 12/11/2018 2:21:46 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Roll Call Vote Scheduled

Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, December 11, 2018 9:20 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Re: Roll Call Vote Scheduled

What's your direct?

Tony

On Dec 11, 2018, at 9:10 AM, Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov> wrote:

It sounds like the Floor may move the vote up to 11/11:15am, and Senators can go to the EPA after.

From: Palich, Christian <palich.christian@epa.gov>
Sent: Tuesday, December 11, 2018 9:03 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Roll Call Vote Scheduled

Thank you for the help on this Josie!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: **Ex. 6 Personal Privacy (PP)**
E: *Palich.Christian@epa.gov*

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Tuesday, December 11, 2018 9:02 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Roll Call Vote Scheduled

Hey Tony-
I've been calling the cloakroom for a half hour and they still have their phones forwarded. I'll let you know as soon as I get ahold of someone.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, December 11, 2018 8:37 AM

To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: Re: Roll Call Vote Scheduled

All of the Senators were slated to leave after they speak anyway, so if the floor could keep the vote open, that would be great. Let me know what they say. Thanks Josie!

Tony

On Dec 11, 2018, at 8:28 AM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Thanks Josie — I'll confer with the team and let you know ASAP

Tony

On Dec 11, 2018, at 8:09 AM, Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov> wrote:

Hey Tony!

See below...what do y'all want to do about the announcement today?

Do you want to have the Senators leave right after they speak? I can relay whatever your plan is to the floor and see if they can leave the vote open.

From: Cloakroom <subscriptions_cloakroom@rep-secretary.senate.gov>

Sent: Monday, December 10, 2018 6:59 PM

Subject: Roll Call Vote Scheduled

Vote Alert

MONDAY, DECEMBER 10, 2018 AT 06:58 PM

Roll Call Vote Scheduled

On Tuesday, December 11th, at 11:30 am, the Senate will proceed to a roll call vote on confirmation of Executive Calendar #1046, Justin George Muzinich, of New York, to be Deputy Secretary of the

Vote alerts are sent from the Senate Republican Cloakroom using the telephone alert system. Alerts are also sent to offices and posted on Trunkline (<http://gop.senate.gov>) as a convenience, but primary notifications always come via telephone. If you have questions about vote alerts, wrap up memos, unanimous consent requests, or other floor scheduling matters, please call the Cloakroom at (202) 224-6191. Please do not reply to this message.

To change your Trunkline email subscriptions, please visit your [user profile page](#).

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 12/10/2018 5:21:56 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Thank you, Tony!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, December 10, 2018 11:26 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Yeah, we can use that line.

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Sent: Monday, December 10, 2018 10:24 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Perfect! Thanks so much for making this work. Will the call in information be the same as what is indicated below?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, December 10, 2018 10:23 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Hey Josie – We have a walk through for the event then. How about 1230?

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Sent: Monday, December 10, 2018 9:58 AM
To: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Thanks, Christian! Could y'all do noon today?

From: Palich, Christian <palich.christian@epa.gov>
Sent: Monday, December 10, 2018 8:52 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Absolutely Josie. What time works best for you?

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Monday, December 10, 2018 8:30 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Hi all-

I wanted to follow up on my email from Friday afternoon...is there an alternate time today Mike and I could talk with you?

Thank you!

Josie

From: Beecher, Josie (Ernst)
Sent: Friday, December 7, 2018 4:34 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Hey y'all-

Senator Ernst's team has mandatory harassment training over the 11am hour on Monday. Is there an alternate time on Monday Mike and I could talk with you?

Thanks!

Josie

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Friday, December 7, 2018 4:31 PM
To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>; Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>; Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Subject: Fwd: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

Sent from my iPhone

Begin forwarded message:

From: "Rodrick, Christian" <rodrick.christian@epa.gov>
Date: December 7, 2018 at 4:28:03 PM EST
To: "Rodrick, Christian" <rodrick.christian@epa.gov>
Cc: "Ringel, Aaron" <ringel.aaron@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Subject: WOTUS Event Staff Call - Monday 12/10 @ 11:00AM

All,

We are excited to hear that your bosses will be attending Tuesday's WOTUS rollout event. In order to provide logistical details for the event, we are hoping members of your staff will join us on a call on Monday, 12/10 at 11:00AM in order to walk through run of show and arrival/departure details.

Please let me know who from your office will be joining the call and feel free to forward to any additional staff in your office who might need to be on the call. We look forward to speaking with you then. Call in information is below.

Conference phone number:

Conference ID:

Please feel free to reach out with any questions.

Best,

Christian Rodrick
Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-4828
C: Ex. 6 Personal Privacy (PP)
E: Rodrick.Christian@epa.gov

Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 11/29/2018 6:16:47 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Information re: Peter Wright nomination

Im at my desk now whenever you're ready

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Thursday, November 29, 2018 12:49 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Re: Information re: Peter Wright nomination

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Nov 29, 2018, at 12:47 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Will likely be able to around 120-130 timeframe. What is your direct again?

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Thursday, November 29, 2018 9:04 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Information re: Peter Wright nomination

Let's chat early afternoon Ex. 6 Personal Privacy (PP) I'm free from 11:30 to 2 so just call anytime in that window

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, November 29, 2018 9:01 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Information re: Peter Wright nomination

Hey Mike – Please thank Senator Ernst for taking the time to meet with Administrator Wheeler yesterday evening. After the discussion about our nominees, I updated the attached document regarding the nomination of Peter Wright for our Office of Land and Emergency Management. I also pulled a point below that may be of interest should the Senator like to make a comment at this morning's nomination hearing about the nomination process. Let me know if you have any additional questions or want anything fleshed out. Have a great day.

Best,
Tony

Previous OLEM Assistant Administrators Confirmation Timing:

Peter Wright

Nomination: 3.6.2018

EPW Hearing: 6.20.2018

Confirmation: TBD

Days Pending: 268* and counting

*Longest pending in 25 years

Mathy Stanislaus

Nomination: 4.20.2009

EPW Hearing: 4.28.2009

Confirmation: 5.12.2009

Days Pending: 22

Susan Bodine

Nomination: 6.28.2005

EPW Hearing: 7.14.2005

Confirmation: 12.17.2005

Days Pending: 172

Marianne Horinko

Nomination: 7.25.2001

EPW Hearing: 9.21.2001

Confirmation: 10.1.2001

Days Pending: 68

Timothy Fields

Nomination: 10.21.1998

EPW Hearing: 5.5.1999

Confirmation: 7.1.1999

Days Pending: 253

Elliott Laws

Nomination: 9.16.1993

EPW Hearing: 9.29.1993

Confirmation: 10.15.1993

Days Pending: 29

Tony Frye

Special Advisor

Office of Congressional Affairs

Environmental Protection Agency

Cell:

Ex. 6 Personal Privacy (PP)

Message

From: McNeill, Jena (Ernst) [Jena_McNeill@ernst.senate.gov]
Sent: 11/28/2018 11:57:52 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Skelley, Dana [Skelley.Dana@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: RE: Whistleblower Loop back

Thanks Tony! Dana – I'll be in contact on specifics.

Best,
Jena

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Friday, November 16, 2018 6:33 PM
To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>
Cc: Skelley, Dana <Skelley.Dana@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Whistleblower Loop back

Thanks Jena – As I mentioned on our call, Dana (cc'd) is a good point of contact in the region to discuss the issue and help with next steps. Please don't hesitate to let me know if anything comes up where we can be helpful. Have a great weekend.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>
Sent: Thursday, November 15, 2018 7:14 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Whistleblower Loop back

Tony,
I know I promised to get back to you a while ago on your offer to have an EPA person in Iowa talk to our whistleblower. I got an answer from him that he would like to sit down with someone rather than do the portal (I know, not the preferred route).
Would we be able to make this work?

Thanks,
Jena

Jena McNeill
Legislative Director
Senator Joni Ernst (R-IA)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 3/22/2019 4:13:42 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Letter to EPA from Iowa Company
Attachments: Frontline BioEnergy Letter to EPA.PDF

Tony,

See attached for a letter we received from Frontline BioEnergy (Ames).

Thanks,
Mike

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building
202-224-3254





Capture the energy ✚ Release the potential

March 18, 2019

Office for Transportation & Air Quality - U.S. EPA

Sharyn Lie

Email: lie.sharyn@epa.gov

Phone: 202-564-1092

Dear Ms. Lie,

Frontline BioEnergy, LLC submitted a pathway petition on behalf of San Joaquin Renewables, a 12 million diesel gallon equivalent project that will produce renewable compressed natural gas from agricultural residues and cellulosic components of separated food waste via thermal gasification. This first-of-a-kind project in the U.S. will establish an important pathway for renewable compressed natural gas, the cleanest motor fuel available on the market!

The abundance of agricultural residues and other biomass make possible the construction of hundreds of plants just like San Joaquin Renewables. This new pathway could produce as much or more fuel than corn ethanol – a sizable market potential indeed. The value of this pathway as a means to domestic transportation fuel production, creation of high quality and high paying new jobs in economically depressed agricultural regions, along with improvements in local air quality cannot be understated and would multiply with each additional plant.

We request your prompt review and processing of this important pathway petition so this outstanding project can proceed in a timely manner. Please contact us with any questions or clarifications regarding our project or this request for your review of the pathway petition. Frontline BioEnergy and San Joaquin Renewables stand ready to provide whatever information is required to facilitate pathway approval. Thank you in advance for your efforts to enable this high impact project – and many more like it!

Jerod Smeenk, CEO – Frontline BioEnergy, LLC

jsmeenk@frontlinebioenergy.com

515-292-1200 x103

T.J. Paskach, President, San Joaquin Renewables, LLC

tpaskach@frontlinebioenergy.com

515-292-1200 x121

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 3/22/2019 3:51:19 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: can you call me when you get in? Ex. 6 Personal Privacy (PP)

Free now. What number should I call?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Friday, March 22, 2019 10:42 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: can you call me when you get in? Ex. 6 Personal Privacy (PP)

Just tried you. I'm free most of the day, feel free to give me a ring

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: 202.603.3225

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Friday, March 22, 2019 8:42 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: can you call me when you get in? Ex. 6 Personal Privacy (PP)

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building
202-224-3254



Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 1/10/2019 8:46:07 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Ernst Follow-up

Hi Tony –

Great seeing you all again. I just wanted to follow-up to clarify on the waiver questions that Sen. Ernst asked. She was specifically referencing the last 7 pending petitions from 2017 that are currently up on the dashboard. She has been told that the waivers have been granted but that the dashboard hasn't been updated. If you all could give some insight into the status and what is happening that would be great.

Also during the meeting it was said that if DOE says so, that EPA has no choice but to approve the waiver. Can you give some more details about the process and the role that both EPA and DOE play?

Compliance Year	Number of Petitions Received	Number of Grants Issued	Number of Denials Issued	Number of Petitions Declared Ineligible or Withdrawn	Number of Pending Petitions
2013	16	8	7	1	0
2014	13	8	5	0	0
2015	14	7	6	1	0
2016	20	19	0	0	1
2017	37	29	0	1	7
2018	22	0	0	0	22

Thanks again for setting up the meeting! Let me know if you have any questions, my direct is

Ex. 6 Personal Privacy (PP)

Best,
Meris

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254



Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 3/22/2019 3:24:33 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Meeting with Wehrum

Hi Tony –

Hope all is well. Good news, I'm not reaching out about E15.

Sen. Ernst recently spoke with two companies that are having issues with getting answers. You already know about REG and their conversations they have had with Asst. Admin. Wehrum about oleo-lipids. They are looking for some clarification if they can move forward or if there is going to have to be a new pathway rule. You may recall oleo-lipids are a waste product from an already approve feedstock.

She also met with Poet, who mentioned they have been going back and forth with you all about their Corn Fiber application for almost 2 years. From what we heard, it seems like the goal posts for completing this process continue to get moved.

Sen. Ernst would like to meet with Asst. Admin Wehrum to let him know what she is hearing. I wanted to give you a heads up that Josie would be reaching out and to see who would be best to reach out to. Direct is Ex. 6 Personal Privacy (PP)

Thanks!
Meris

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254



Message

From: McNeill, Jena (Ernst) [Jena_McNeill@ernst.senate.gov]
Sent: 2/13/2019 11:48:14 PM
To: Thundiyil, Karen [Thundiyil.Karen@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: POET RE: Meeting issue

Thanks Karen!

From: Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Sent: Wednesday, February 13, 2019 5:41 PM
To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: POET RE: Meeting issue

Hi Jena,

Glad we were able to connect this afternoon. The additional points below are helpful and I'll circle with folks here. I'll reach back out to you by the end of the week, or shortly after the holiday. In the meantime, please feel free to reach out with any questions.

Karen.

Karen Thundiyil
Office of Congressional Affairs
U.S. Environmental Protection Agency
(202) 564.1142

From: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>
Sent: Wednesday, February 13, 2019 5:06 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Subject: RE: Meeting issue

Karen

Thanks for chatting on the phone. Here are a few specifics that might be helpful.

- POET has been waiting for approval of its corn fiber pathway registrations for two years.
- POET says that the source of the delays in approval is because EPA still needs to determine what it means for a measurement methodology to be "reasonably accurate"
- My understanding is that POET has been in touch with Mr. Wehrum seeking more information on when an approval might occur.
- It is also my understanding that the source of the delay has been cited as technical issues being handled at the career staff level.
- POET requested a meeting with Mr. Wheeler and Mr. Wehrum for Jeff Broin and Jeff Lautt. A woman named Blair was likely the source of the meeting request.
- They are seeking a meeting to discuss these issues further.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, February 13, 2019 3:58 PM
To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Subject: RE: Meeting issue

Hey Jena – Looping Karen from our office who works with our OAR folks. She has a few questions about the request to make sure she is interfacing with the appropriate individuals and will be giving you a call at some point this afternoon.

Thanks,

Tony

Tony Frye

Special Advisor

Office of Congressional Affairs

Environmental Protection Agency

Cell: Ex. 6 Personal Privacy (PP)

From: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>

Sent: Wednesday, February 13, 2019 2:12 PM

To: Frye, Tony (Robert) <frye.robert@epa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: RE: Meeting issue

Hey there – no worries. My understanding is that POET has a request in for Jeff Broin (Chairman/CEO) and Jeff Lutt (President/COO) to meet with Mr. Wheeler and Mr. Wehrum. The request would have come from an individual named Blair. It is related to approval of POET's corn fiber pathway registrations – POET says it has been waiting for two years.

Thank you for your assistance!

From: Frye, Tony (Robert) <frye.robert@epa.gov>

Sent: Wednesday, February 13, 2019 2:05 PM

To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: Re: Meeting issue

Hey Jena — I just looked back in my records and it was a separate issue I spoke with Meris about. Do you happen to have any information about POET's current request and I'll relay to our folks to see what we can do? Apologies for the confusion. Thanks

Tony

On Feb 13, 2019, at 12:58 PM, McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov> wrote:

Tony,

Hope you are well. Would you be able to connect about an issue we are working on relating to Poet? My extension is Ex. 6 Personal Privacy (PP)

Thanks!

Jena

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 3/19/2019 9:51:29 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Quick Call

I left office. Call cell. Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Mar 19, 2019, at 5:50 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Hey Mike – Can you give me a call when you get a chance?
Thanks,
Tony

Tony Frye
Senate Affairs Specialist
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 5/11/2018 2:44:32 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you call me again Ex. 6 Personal Privacy (PP)

Flag: Follow up

Sorry to keep bugging you this week!

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 5/10/2018 8:35:02 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Wetland Project - Federal Funding

Thanks!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, May 10, 2018 4:32 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Wetland Project - Federal Funding

Hey Mike – For your awareness, this is what we heard back from the region:

EPA is currently reviewing the application submitted by Des Moines' Metro Waste Authority along with the other applications EPA has received. As EPA conducts a merit review of each application, all applications will be ranked and awarded in order, subject to final budget numbers. We expect to reach out to applicants, including Des Moines' Metro Waste Authority, with the status of each application by mid-June.

Let us know if anything else comes up.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) [mailto:Michael_Farr@ernst.senate.gov]
Sent: Thursday, May 10, 2018 11:45 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Wetland Project - Federal Funding

Great. Thanks

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, May 10, 2018 8:58 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Wetland Project - Federal Funding

Hey Mike – Just wanted to follow up to let you know that this grant is awarded out of Region 7 in KC. Our team has relayed your note to them. We'll let you know when we hear more.
Thanks,

Tony

Tony Frye

Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) [mailto:Michael_Farr@ernst.senate.gov]
Sent: Wednesday, May 9, 2018 11:28 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: Wetland Project - Federal Funding

Tony,

Des Moines' Metro Waste Authority applied for an EPA Environmental Education Grant. They have been approved for funding for phase 1 of the project, but are still waiting to find out if they will receive funding for phase two. This is explained at the bottom of the email chain. Let me know what you can find out.

Thanks,
Mike

From: Michael McCoy <mmc@mwatoday.com>
Sent: Wednesday, May 9, 2018 9:26 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Trish Radke <tra@mwatoday.com>; Brown, Amanda - NRCS-CD, Ankeny, IA <Amanda.Brown@ia.nacdnet.net>; Luis Leon <lleon@lleon.com>; Caroline Arkesteyn <car@mwatoday.com>; Leslie Irlbeck <lir@mwatoday.com>; Dean O'Connor <doconnor@larrysinc.com>
Subject: Fwd: Wetland Project - Federal Funding

Michael - It was good to meet you this morning in Senator Ernst office. As you recall, I left behind the summary and application for the project. Please let me know what, if any additional information you need.

Please thank the Senator for her time.

Please see following thread.

I appreciate your assistance.

Cheers,

Michael McCoy

Get [Outlook for iOS](#)

From: Brown, Amanda - NRCS-CD, Ankeny, IA <Amanda.Brown@ia.nacdnet.net>
Sent: Wednesday, May 9, 2018 8:33:22 AM
To: Michael McCoy; Luis Leon; Yuta Naganuma; Trish Radke
Cc: Swanson, Johnathon - NRCS, Ankeny, IA
Subject: RE: Wetland Project - Federal Funding

Still waiting on exact dollar amounts. I will let you know as soon as I find out!

Amanda Brown | Project Coordinator
Polk Soil and Water Conservation District

From: Michael McCoy [mailto:mmc@mwatoday.com]

Sent: Tuesday, May 8, 2018 4:28 PM

To: Brown, Amanda - NRCS-CD, Ankeny, IA <Amanda.Brown@ia.nacdnet.net>; Luis Leon <lleon@lleon.com>; Yuta Naganuma <YNa@mwatoday.com>; Trish Radke <tra@mwatoday.com>

Cc: Swanson, Johnathon - NRCS, Ankeny, IA <johnathon.swanson@ia.usda.gov>

Subject: Re: Wetland Project - Federal Funding

How much was this piece of the grant? In dollars?

Get Outlook for iOS

From: Brown, Amanda - NRCS-CD, Ankeny, IA <Amanda.Brown@ia.nacdnet.net>

Sent: Tuesday, May 8, 2018 2:17:00 PM

To: Luis Leon; Yuta Naganuma; Michael McCoy; Trish Radke

Cc: Swanson, Johnathon - NRCS, Ankeny, IA

Subject: Wetland Project - Federal Funding

Hi team,

I have some good news! The wetland project has been pre-approved to receive federal funding. Right now, it has just been approved for the phase one wetland (attached is the official letter). We are still waiting to see if we can get some extra funding for the sediment basin that would be located above the wetland. I will wait another week to see if I hear anything about the sediment basin and then reach out to you guys again to set up a time to meet/go over funding. Let me know if you have any questions!

Thanks,

Amanda Brown

Project Coordinator

Central Iowa WMA Water Quality Initiative

Polk Soil and Water Conservation District

Ankeny, IA | 515.776.4244 (desk)

Ex. 6 Personal Privacy (PP)

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Message

From: Klein, Courtney (Ernst) [Courtney_Klein@ernst.senate.gov]
Sent: 6/8/2018 9:23:06 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
Subject: RE: Meeting with EPA Nominees

Hi Tony --

Hope you're doing well. I'll look at Senator Ernst's availability and get back to you. Have a great weekend!

Best,
Courtney

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Friday, June 8, 2018 1:44 PM
To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: FW: Meeting with EPA Nominees

Hey Courtney – I hope all is well. Sending this your way based off of Josie's out of office. Have a great day.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert)
Sent: Friday, June 8, 2018 12:09 PM
To: 'josie_beecher@ernst.senate.gov' <josie_beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Meeting with EPA Nominees

Hello Josie,

The White House has announced EPA Nominees for Assistant Administrator of the Office of Land & Emergency Management (OLEM) Peter Wright, and the Assistant Administrator for the Office International & Tribal Affairs (OITA) Chad McIntosh.

Both nominees will be in DC from the afternoon of Monday, June 11th, to Thursday, June 14th, in advance of their nomination hearing on June 20th and available for an introductory meeting with Senator Ernst. Out of respect for the Senator's time, we would be happy to schedule the meeting together or individually. Please let me know if the Senator would be interested in a meeting and if so, what times would be best.

We are very excited about the nomination process and happy to answer any further questions you might have.

Best,
Tony

Tony Frye

Special Assistant

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone: 202.564.0640

Cell: Ex. 6 Personal Privacy (PP)

Message

From: Nuelle, Ben (Ernst) [Ben_Nuelle@ernst.senate.gov]
Sent: 8/2/2018 7:05:20 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Visit

Flag: Follow up

Tony-

Thanks for calling. Looking forward to your visit. When you know more details, please let me know and I will do my best to attend as many events as able.

Thanks,
Ben

Sent from my Verizon, Samsung Galaxy smartphone

Message

From: Nuelle, Ben (Ernst) [Ben_Nuelle@ernst.senate.gov]
Sent: 8/2/2018 6:10:57 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Sexton, Matthew (Ernst) [Matthew_Sexton@ernst.senate.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: Re: Contact

Ex. 6 Personal Privacy (PP)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Date: 8/2/18 1:10 PM (GMT-06:00)
To: "Sexton, Matthew (Ernst)" <Matthew_Sexton@ernst.senate.gov>
Cc: "Palich, Christian" <palich.christian@epa.gov>, "Nuelle, Ben (Ernst)" <Ben_Nuelle@ernst.senate.gov>
Subject: RE: Contact

Thanks Matt

Hey Ben – What is your direct line?

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: **Ex. 6 Personal Privacy (PP)**

From: Sexton, Matthew (Ernst) [mailto:Matthew_Sexton@ernst.senate.gov]
Sent: Thursday, August 2, 2018 2:03 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Nuelle, Ben (Ernst) <Ben_Nuelle@ernst.senate.gov>
Subject: RE: Contact

You got it. His name is Ben and he's attached.

Best,
Matt

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, August 2, 2018 1:01 PM
To: Sexton, Matthew (Ernst) <Matthew_Sexton@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Contact

Hey Matt – Great chatting with you. Can you give me the contact information for your colleague in the state that works with ag folks to coordinate on the upcoming trip to the state?

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency

Cell: Ex. 6 Personal Privacy (PP)

Message

From: Nuelle, Ben (Ernst) [Ben_Nuelle@ernst.senate.gov]
Sent: 8/2/2018 6:09:56 PM
To: Sexton, Matthew (Ernst) [Matthew_Sexton@ernst.senate.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: Re: Contact

Tony-

Happy to help in any way.

Thanks,

Ben Nuelle
Special Assistant for Agriculture
U.S. Senator Joni K. Ernst
Cell: Ex. 6 Personal Privacy (PP)
Office: 515-284-4147

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Sexton, Matthew (Ernst)" <Matthew_Sexton@ernst.senate.gov>
Date: 8/2/18 1:02 PM (GMT-06:00)
To: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Cc: "Palich, Christian" <palich.christian@epa.gov>, "Nuelle, Ben (Ernst)" <Ben_Nuelle@ernst.senate.gov>
Subject: RE: Contact

You got it. His name is Ben and he's attached.

Best,
Matt

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, August 2, 2018 1:01 PM
To: Sexton, Matthew (Ernst) <Matthew_Sexton@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Contact

Hey Matt – Great chatting with you. Can you give me the contact information for your colleague in the state that works with ag folks to coordinate on the upcoming trip to the state?

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 5/9/2018 9:33:40 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you call me Ex. 6 Personal Privacy (PP)

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 8/1/2018 7:21:02 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: McNeill, Jena (Ernst) [Jena_McNeill@ernst.senate.gov]
Subject: RE: What's you direct?

Tony, I'm free between 4 and 430 if that works for you

From: McNeill, Jena (Ernst)
Sent: Wednesday, August 1, 2018 3:02 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: What's you direct?

Things are pretty crazy, feel free to call one of us and we can fill the other in. my extension is Ex. 6 Personal Privacy (PP) and Mike's is Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, August 1, 2018 2:59 PM
To: McNeill, Jena (Ernst) <Jena_McNeill@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: What's you direct?

Hey Jena and Mike – What is a good number to reach you this afternoon?

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 7/25/2018 4:45:50 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Klein, Courtney (Ernst) [Courtney_Klein@ernst.senate.gov]
Subject: RE: Quick call

Flag: Follow up

We can do Cedar Rapids on the morning of the 8th.

I'm in and out this week with doctor's appointments, so if you're having trouble getting ahold of me, that's why. But, Courtney Klein, who is copied here, will be covering for me when I'm out on maternity leave and can help get you whatever you need.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, July 25, 2018 11:41 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Subject: RE: Quick call

Cedar Rapids

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Wednesday, July 25, 2018 11:39 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Quick call

The morning of the 8th in Cedar Rapids or Des Moines?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, July 25, 2018 11:36 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Subject: RE: Quick call

No worries, if the 8th in the AM works for you all, can you put a hold and we can coordinate once we have more concrete details?

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Wednesday, July 25, 2018 11:24 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: Quick call

Hi Tony-
I'm out today and not available for a call. So sorry!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, July 25, 2018 11:22 AM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Heins, Jennifer (Grassley) <Jennifer_Heins@grassley.senate.gov>; Ferland, John <John.Ferland@mail.house.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: Quick call

Hello all – Do you all have time for a quick conference call today? We are locking in August 8th for a visit to Cedar Rapids and want to coordinate schedules with your respective bosses. We are available between now and 3pm. Let me know what works on your end.

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 11/6/2018 8:10:14 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Attachments: ATT00001.txt

Hi Tony-

I hope you're doing well. Senator Grassley and Senator Ernst would like to meet with Administrator Wheeler next week. Would a 4:15pm meeting on Tuesday, November 13th work for the Administrator?

Thanks!

Josie

Josie Rundlett Beecher
Scheduler

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

202.224.3254 - office

202.224.9369 - fax



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/18/2018 4:10:24 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you call me at some point today? Ex. 6 Personal Privacy (PP)

Flag: Follow up

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 7/25/2018 12:02:40 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Subject: RE: Potential event

Flag: Follow up

Tony, like I mentioned on the phone, Des Moines really won't work on the 8th. Is Cedar Rapids no longer a possibility?

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, July 24, 2018 2:32 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Potential event

If we were to do an event at 8am in DSM on August 8th, would Senator Ernst be available?

Thanks,

Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert)
Sent: Tuesday, July 24, 2018 11:14 AM
To: 'Beecher, Josie (Ernst)' <Josie_Beecher@ernst.senate.gov>
Subject: Potential event

Hello Josie – Can you give me a quick call? We are looking at a potential event in Iowa on the 8th and want to check a couple of preferences with you to see if we can line something up.

Thanks,

Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 7/20/2018 6:32:59 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Number

Thank you!

Sent from my iPhone

On Jul 20, 2018, at 2:31 PM, Frye, Tony (Robert) <frye.robert@epa.gov> wrote:

Conference phone number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

Tony

Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 1/31/2018 8:35:55 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: EPA and Army Finalize "Waters of the United States" Applicability Date

Same here. Bizarre way to kick off the GOP retreat...

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Wednesday, January 31, 2018 3:33 PM
To: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Subject: RE: EPA and Army Finalize "Waters of the United States" Applicability Date

You bet. I was glad to hear Joni was safe today.

From: Dolch, Michael (Ernst) [mailto:Michael_Dolch@ernst.senate.gov]
Sent: Wednesday, January 31, 2018 3:31 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: EPA and Army Finalize "Waters of the United States" Applicability Date

Thanks, man! Good stuff.

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Wednesday, January 31, 2018 3:26 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: FW: EPA and Army Finalize "Waters of the United States" Applicability Date

Hello all,

The following release just went out regarding the applicability date of the 2015 WOTUS Rule. Let us know if you have any questions. Have a great day.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: EPA Press Office [mailto:press=epa.gov@cmail20.com] **On Behalf Of** EPA Press Office
Sent: Wednesday, January 31, 2018 3:15 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: EPA and Army Finalize "Waters of the United States" Applicability Date

EPA and Army Finalize "Waters of the United States" Applicability Date

WASHINGTON (January 31, 2018) - Today, the U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (Army) have finalized a rule adding an applicability date to the 2015 Clean Water Rule (the 2015 Rule). This rule provides clarity and certainty about which definition of "waters of the United States" is applicable nationwide in response to judicial actions that could result in confusion. The new applicability date will be two years after today's action is published in the Federal Register, during which time both agencies will continue the process of reconsidering the 2015 Rule.

"Today, EPA is taking action to reduce confusion and provide certainty to America's farmers and ranchers," **said EPA Administrator Scott Pruitt**. "The 2015 WOTUS rule developed by the Obama administration will not be applicable for the next two years, while we work through the process of providing long-term regulatory certainty across all 50 states about what waters are subject to federal regulation."

"We are committed to transparency as we execute the Clean Water Act Section 404 regulatory program. The Army and EPA proposed this rule to provide the regulated public clarity and predictability during the rule making process," **said Acting Assistant Secretary of the Army (Civil Works) Ryan Fisher**.

The 2015 Rule, which redefined the scope of where the Clean Water Act applies, had an effective date of August 28, 2015. The U.S. Court of Appeals for the Sixth Circuit's nationwide stay halted implementation of the 2015 Rule. But last week the Supreme Court determined that the U.S. Courts of Appeals do not have original jurisdiction to review these challenges and, therefore, the Sixth Circuit lacked authority to issue a stay. Given uncertainty about litigation in multiple district courts over the 2015 Rule, this action provides much needed certainty and clarity to the regulated community during the ongoing regulatory process.

Today's final rule is separate from the two-step process the agencies are currently taking to reconsider the 2015 Rule. The public comment period for the Step 1 rule proposing to rescind the 2015 Rule closed in September 2017, and those comments are currently under review by the agencies. EPA and the Army are also in the process of reviewing input from state, local, and tribal governments and other stakeholders as they work to develop a proposed Step 2 rule that would revise the definition of "waters of the United States."

Background

On February 28, 2017, President Trump issued Executive Order (EO) 13778, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the Waters of the United States' Rule." As EO 13778 stated, it is in the national interest to ensure that the nation's navigable waters are kept free from pollution, while simultaneously promoting economic growth, minimizing regulatory uncertainty, and respecting the roles of both Congress and States under the Constitution.

Additional information on this final rule: www.epa.gov/wotus-rule

.....



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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 10/18/2017 3:23:41 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: FW: EPA chemical nominee starts at EPA as Pruitt adviser

FYI – Fake News.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: POLITICO Pro Energy Whiteboard [mailto:politicoemail@politicopro.com]
Sent: Wednesday, October 18, 2017 10:59 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: EPA chemical nominee starts at EPA as Pruitt adviser

By Alex Guillén and Eric Wolff

10/18/2017 10:56 AM EDT

Michael Dourson, the controversial nominee to run EPA's Office of Chemical Safety and Pollution Prevention, has already started at the agency as a special adviser to Administrator Scott Pruitt, according to an agency spokeswoman.

"Yes, he most certainly has," EPA spokeswoman Liz Bowman said in an email when asked if Dourson had begun serving as an adviser to Pruitt on chemicals.

Dourson has yet to be confirmed by the Senate. A committee vote planned for today was scrapped after Sen. Joni Ernst threatened to withhold her support for Dourson and other EPA nominees over an unrelated biofuel dispute with Pruitt.

Dourson was most recently a professor at the University of Cincinnati Department of Environmental Health's Risk Science Center. Dourson was still listed as a professor as of Oct. 5, a day after his confirmation hearing, according to a cache of his department bio page, though he is no longer listed as a faculty member.

Dourson's move to EPA was first reported Wednesday by E&E.

Another pending EPA nominee, Susan Bodine, who was selected to run the enforcement office, has also started at EPA ahead of her confirmation, which has yet to receive a floor vote. She has been working as an adviser to Pruitt on enforcement matters.

"This is not unique to our administration, but something that is a common practice," Bowman said.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/epa-chemical-nominee-starts-at-epa-ad-pruitt-adviser-094441>

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POLITICOPRO

This email was sent to devin_mogler@ernst.senate.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 9/21/2017 9:50:36 PM
To: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Ethanol Exports

Thanks for the prompt response as always. Have a great weekend.

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 9/21/17 3:51 PM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>
Subject: RE: Ethanol Exports

Hi Devin,

We have received a number of comments regarding options to help alleviate high rin prices and improve the program. The export proposal is one of many upon which we are evaluating. That's all the info I have for now but will keep you updated as always.

Have a great evening,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Thursday, September 21, 2017 3:11 PM
To: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Ethanol Exports

Christian,

Hope all is well. Heard rumors about some action the EPA might be taking on ethanol exports - possibly making them eligible for RIN credits? Can you offer me any insights on this? Thanks in advance!

Devin

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 10/31/2018 7:54:23 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Meeting Request

You too!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, October 31, 2018 3:36 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Meeting Request

Thanks Josie – Have a great day.
Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Wednesday, October 31, 2018 3:13 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Meeting Request

Hi Tony-
Thanks for reaching out. Senator Ernst won't be in the office until the evening of the 13th, and the 14th is pretty chaotic.
If anything should open up, I'll let you know.
Thanks!
Josie

Josie Rundlett Beecher
Scheduler

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

202.224.3254 - office
202.224.9369 - fax



From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, October 30, 2018 9:11 AM
To: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>; Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Meeting Request

Hey Josie and Courtney – Alex is going to be back in town for another round of meetings on November 13th and 14th. Would the Senator be available for an introductory meeting?

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Morgan, Ashley
Sent: Wednesday, September 26, 2018 10:05 AM
To: courtney_klein@ernst.senate.gov
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Meeting Request

Hi Courtney,

The White House has announced EPA Nominee for Assistant Administrator of the Office of Chemical Safety and Pollution Prevention (OCSPP) Alexandra Dunn.

Alex Dunn will be in DC Wednesday October 10th & Thursday October 11th and available for an introductory meeting with the Senator. Please let me know if the Senator would be interested in a meeting and if so, what times would be best.

We are very excited about the nomination process and happy to answer any further questions you might have.

Thanks,

Ashley R. Morgan
Special Assistant
Office of Congressional & Intergovernmental Affairs
U.S. Environmental Protection Agency
O: (202) 564-1329
C: Ex. 6 Personal Privacy (PP)
E: morgan.ashley@epa.gov

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 4/24/2018 5:27:10 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Meeting with EPA Nominees

Thanks, Tony Frye! Hope all is well!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, April 24, 2018 1:05 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Subject: RE: Meeting with EPA Nominees

I heard your big news. Congratulations Josie Beecher

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Shimmin, Kaitlyn
Sent: Tuesday, April 24, 2018 12:36 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Re: Meeting with EPA Nominees

Thanks Josie!

Sent from my iPhone

On Apr 24, 2018, at 11:44 AM, Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov> wrote:

Hi Kaitlyn-
Thanks for reaching out. Senator Ernst's schedule this week is full, but should that change, I will let you know as soon as possible.
Best-
Josie

Josie Rundlett Beecher
Scheduler

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

202.224.3254 - office
202.224.9369 - fax

<image001.jpg><image002.png><image003.png><image004.png>

From: Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Sent: Wednesday, April 18, 2018 6:11 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Meeting with EPA Nominees

Hi Josie,

The White House has announced EPA Nominees for Assistant Administrator of the Office of Land & Emergency Management (OLEM) Peter Wright, and the Assistant Administrator for the Office International & Tribal Affairs (OITA) Chad McIntosh.

Both nominees will be in DC from Monday, April 23rd to Friday, April 27th and available for an introductory meeting with Senator Ernst. Out of respect for the Senator's time, we would be happy to schedule the meeting together or individually. Please let me know if the Senator would be interested in a meeting and if so, what times would be best.

We are very excited about the nomination process and happy to answer any further questions you might have.

Thanks,

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6 Personal Privacy (PP)
Shimmin.Kaitlyn@epa.gov

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 4/23/2018 7:08:52 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: call me Ex. 6 Personal Privacy (PP)

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 12/6/2017 8:39:03 PM
To: Simonsen, Brian (Judiciary-Rep) [Brian_Simonsen@judiciary-rep.senate.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: FW: Cruz chief of staff leaves Capitol Hill

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: POLITICO Pro Campaigns [mailto:politicoemail@politicopro.com]
Sent: Wednesday, December 6, 2017 2:57 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: Cruz chief of staff leaves Capitol Hill

Cruz chief of staff leaves Capitol Hill

By Seung Min Kim

12/06/2017 02:55 PM EDT

Sen. Ted Cruz's chief of staff is leaving Capitol Hill after more than a year leading the Texas Republican's congressional operation in Washington and in his home state.

David Polyansky, 46, came on board as Cruz's chief of staff following the Republican National Convention in 2016 at a time when the senator re-focused his energies on Texas following his unsuccessful presidential campaign.

Now, Polyansky is returning to Houston, where his family resides, and staying on as a senior adviser for Cruz's reelection campaign in 2018.

"David has been an incredible chief of staff and integral to the important work we've done the last 18 months, from passing tax reform through the Senate, to confirming conservative jurists, to helping Texas recover from the devastation of Hurricane Harvey," Cruz said in a statement.

"I couldn't be prouder of the job our talented Senate staff has done over the last year and a half in representing 28 million Texans and advancing Sen. Cruz's priorities," Polyansky said.

Under Polyansky's tenure, Cruz significantly emphasized work on his home-state interests — be it the state's agriculture community, defense industry or NASA — which became even more critical after Texas was slammed by Hurricane Harvey earlier this year. The senator overhauled his constituent services operation, and over the last year, Cruz has held 150 events in Texas, which does not include his political activities as he gears up for his 2018 Senate campaign.

Polyansky was a senior political and communications adviser for Cruz's presidential bid, and has held other senior roles for the campaigns of Wisconsin Gov. Scott Walker (in his presidential campaign), Sen. Joni Ernst

(R-Iowa) and Oklahoma Gov. Mary Fallin. He also served as senior adviser for Arkansas Gov. Mike Huckabee when he ran for president in 2008.


Pre Shah, currently Cruz's chief counsel, will take over for Polyansky as the senator's chief of staff. Cruz's legislative director, Steve Chartan, will become deputy chief of staff while keeping his legislative duties.

Separately, another former Cruz chief of staff, Chip Roy, announced Wednesday that he is running to replace retiring GOP Rep. Lamar Smith in Texas's 21st Congressional District, according to the Texas Tribune.

To view online:

<https://www.politicopro.com/campaigns/article/2017/12/cruz-chief-of-staff-leaves-capitol-hill-282889>


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Neutral


Not really


Not at all

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Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/31/2018 3:55:26 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you send out an email to set up that call?

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 11/30/2017 3:06:08 PM
To: Simonsen, Brian (Judiciary-Rep) [Brian_Simonsen@judiciary-rep.senate.gov]; Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Sexton Ready to Bounce

Haha love it

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



From: Simonsen, Brian (Judiciary-Rep)
Sent: Thursday, November 30, 2017 10:05 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Subject: RE: Sexton Ready to Bounce

Haha. Everyone is smiling and having a nice time and Sexton is wondering what time happy hour starts.

From: Mogler, Devin (Ernst)
Sent: Thursday, November 30, 2017 10:04 AM
To: Simonsen, Brian (Judiciary-Rep) <Brian_Simonsen@judiciary-rep.senate.gov>; Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Subject: Sexton Ready to Bounce



<https://www.desmoinesregister.com/story/news/education/2017/11/29/central-decatur-teacher-wins-25-000-national-award-surprise-ceremony/906676001/?hootPostID=4e587b9bdc2b4e34f5ab9de1a55a5010>

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/30/2018 9:37:13 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: call later this week

Flag: Follow up

Just send some times over to Jena and me for Wednesday or Thursday afternoons and we can go from there

Here email is: Jena_McNeill@ernst.senate.gov

Thanks

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Monday, July 30, 2018 5:31 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: Re: call later this week

You bet. I can chat Wednesday after the hearing or some time Thursday. What works on your end?

Tony

On Jul 30, 2018, at 4:57 PM, Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov> wrote:

Can we set up a call to go over the wastewater issue we discussed last week? Jena (LD) would like to join as well.

Thanks

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254
<image001.png><image002.png><image003.png><image004.png>

Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 11/16/2017 11:10:27 PM
To: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Subject: Transition to DC

As you may know, Senator Ernst's staffer covering ag and biofuels policy for the better part of three years, Devin Mogler, recently accepted an incredible opportunity off Capitol Hill. As a result, starting the first week of January, I will be transitioning into the ag legislative assistant role in Washington, DC. Although my address will change, Iowa will always be home.

Sure appreciate you not only welcoming a southwest lowan back into the state's ag community, but also for the continued support and encouragement throughout my time in Des Moines. Although the move is bittersweet as I leave family, friends and the farm behind, I'm very excited for the challenge and opportunity ahead as we continue pushing the fight on behalf of Iowa's hard-working farmers and ranchers.

Please note my contact information will remain the same. And again, thank you for making the last two and a half years so special and rewarding.

Best,

Michael

Michael D. Dolch | Special Assistant for Agriculture

Office of United States Senator Joni Ernst
733 Federal Building
210 Walnut Street
Des Moines, IA 50309

O: 515-284-4147 | M: [Ex. 6 Personal Privacy \(PP\)](#)



Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 11/13/2017 11:37:55 PM
CC: 'devin.mogler@gmail.com' [devin.mogler@gmail.com]
Subject: Distro Update

Reception distro compadres, I have good news and bad:

Bad news is that I'm leaving the hill in a few weeks for the next challenge in my career, and will no longer be administering the distro.

Good news is that most of the holiday receptions are already out there. It truly is the most wonderful time of the year.

Cheers!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 11/13/2017 11:34:02 PM
CC: 'devin.mogler@gmail.com' [devin.mogler@gmail.com]
Subject: Moving On

Hill colleagues and friends,

I know you get a lot of these emails, so I'll keep it brief.

After over 2.5 years incredible years with Senator Ernst, I'm taking the next step in my career, and leaving the hill (in the coming weeks). My new responsibilities will be as Vice President of Government Affairs with Green Plains, an Omaha-based food, commodity processing, and renewable energy company.

Thank you to all of you who have made this experience so fulfilling and fun. I'm not going far – just a couple of blocks downtown – so I will definitely see you around, but please stay in touch.

e Ex. 6 Personal Privacy (PP) c Ex. 6 Personal Privacy (PP)

Regards,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 11/6/2017 9:41:06 PM
To: Gulliford, Jim [gulliford.jim@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Subject: Thank You

Jim,

Great meeting you today, and thanks for taking the time to come sit down with us. Mike and I appreciate your leadership in Reg. 7, and please don't hesitate to reach out to us for anything going forward.

Regards,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 10/10/2017 3:44:47 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: CPP Information

Flag: Follow up

Tony,

Can you get me added to Christian's email list.

From: Mogler, Devin (Ernst)
Sent: Tuesday, October 10, 2017 11:43 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: Fwd: CPP Information

Mike - Do you get these from Christian?

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 10/10/17 9:34 AM (GMT-06:00)
To: "Palich, Christian" <palich.christian@epa.gov>
Cc: "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>
Subject: CPP Information

Hi All,

Wanted you to have heads up on this. Let me know if you have questions and hope you had a great weekend.

EMBARGOED TILL 11AM

FACT SHEET
Proposal to Repeal the Clean Power Plan

Action

- On October 10, 2017, following a review as directed by President Trump's Energy Independence Executive Order, the EPA proposed to repeal the Clean Power Plan (CPP).
- The CPP was premised on a novel and expansive view of agency authority that this Administration now proposes to determine is inconsistent with the Clean Air Act.
- Traditionally, EPA rules issued under Section 111 of the Clean Air Act were based on measures that could be applied to, for, and at a particular facility, also referred to as "inside the fence line" measures.
 - Before the CPP every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit.
- The proposed rule would return EPA's actions to its understanding that the "best system of emission reduction" for a source should be based only on measures that can be applied to or at the source.
- EPA estimates that repealing the CPP could lead to up to \$33 billion dollars in avoided compliance costs in 2030.

- EPA will accept comment on the proposal for 60 days after publication in the Federal Register and will hold a public hearing if one is requested.

Regulatory Impact Analysis

- The Regulatory Impact Analysis (RIA) accompanying this proposed repeal both examines the previous administration's cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health and economic effects of the proposed repeal.
- This administration is presenting a wide range of analysis scenarios meant to address numerous concerns and uncertainties associated with the previous administration's approach, including:
 - Comparing domestic costs to domestic benefits;
 - Focusing on the targeted pollutant and increasing transparency of "co-benefits" from reducing other pollutants; and
 - Treating energy efficiency as a benefit instead of an avoided cost, to show the true magnitude of the CPP's costs
- The RIA for the proposed repeal is available online at www.epa.gov/XXX

Background

- The previous Administration issued the CPP on October 23, 2015.
- Soon after the rule was final, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP highlighting a range of legal and technical concerns.
- By December 1, 2015, a bipartisan majority of the United States Congress formally disapproved of the CPP pursuant to the Congressional Review Act.
- On February 9, 2016, the United States Supreme Court stayed the CPP immediately halting implementation. The Supreme Court had never before issued a stay to block the enforcement of a rule while it is being challenged in court.
- On March 28, 2017, President Trump signed the Energy Independence Executive Order which called, among other things, for a review of the Clean Power Plan and, if appropriate, reconsideration proceedings to suspend, revise, or rescind the rule.
- On the same day, Administrator Pruitt signed a notice indicating EPA's intent to review and, if appropriate, to propose to revise or rescind the Clean Power Plan.
- The U.S. Court of Appeals for the D.C. Circuit has been holding Clean Power Plan litigation in abeyance since April 28, 2017.

How to Comment

- Comments on the proposed repeal should be identified by Docket ID No. EPA-HQ-OAR-2017-0355, and may be submitted by one of the following methods:
 - **Online:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. EPA-HQ-OAR-2017-0355.
 - **Email:** Comments may be sent to a-and-r-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2017-0355 in the subject line of the message.
 - **Fax:** Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2017-0355
 - **Mail:** Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2017-0355, 1200 Pennsylvania Avenue, NW, Washington, DC 20460

- **Hand/Courier Delivery:** EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2017-0355. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information
- For additional information, including the full EPA public comment policy, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

For more information

- A copy of the proposed rule and supporting documents are available on EPA's website at <https://www.epa.gov/XXXXXXX>.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 10/6/2017 1:00:12 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RFS Letter
Attachments: 10.05.17 RFS Letter to Pruitt.pdf

Flag: Follow up

Tony,

This was sent yesterday (Thursday) shortly after noon from Klobuchar's office.

Have a good weekend,
Devin

United States Senate

WASHINGTON, DC 20510

October 5, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We urge you to ensure that the EPA's final rule setting blending targets under the Renewable Fuel Standard (RFS) for 2018 promotes growth in the U.S. biofuel sector and in our economy.

When Congress adopted the RFS in 2005, its goal was to put in place a stable, forward-looking policy to drive innovation and investments that would bring biofuels to American consumers. The biofuel industry supports hundreds of thousands of jobs throughout the country, reduces the environmental impact of our transportation and energy sectors, and cuts our reliance on foreign oil. The stability of our policy has led to billions of dollars of investment in the biofuel sector. America's production capacity has expanded more than threefold since 2005 with fuels such as biodiesel, cellulosic ethanol, recycled-waste, algal, and other advanced biofuels.

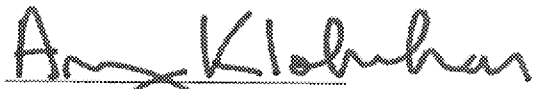
We need to build on this progress. The 2017 final RFS rule set Renewable Volume Obligations (RVO) at the levels Congress intended. The 2018 proposed rule, while positive for maintaining the maximum blending target for conventional biofuel at 15 billion gallons, would represent a step back when it comes to advanced biofuels, resulting in less renewable fuels being blended than in 2017. The rule unjustifiably flatlines biomass-based diesel, reduces advanced biofuels, and reduces the cellulosic biofuel blending target by about 25 percent. The agency arrives at these lower targets by utilizing a new methodology more reliant on historical data than projected volumes. The RFS must by law be administered in a forward-looking manner. The final rule should address these shortfalls.

In addition, the Notice of Data Availability the agency published on September 26 would lower the blending targets by the number of gallons of biofuels imported yet still permit these imported gallons to generate compliance credits. There are also reports that the agency is considering allowing exported gallons of biofuel to generate compliance credits. Taken together, these actions would reduce renewable fuel blending in the U.S. and create uncertainty for producers.

If done right, this rule is an opportunity to continue our nation's path to be not only the world leader in first generation ethanol production, but also in cellulosic ethanol and advanced biofuel production by spurring investment and manufacturing here in the United States rather than overseas.

We urge you to continue to implement the RFS as intended by Congress and release a strong final rule that would give consumers more choices at the pump, strengthen our economy and make our country more secure.

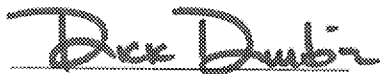
Sincerely,




Amy Klobuchar
United States Senator



Charles E. Grassley
United States Senator



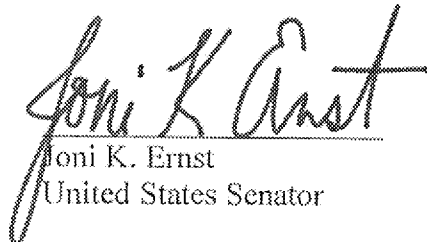
Richard J. Durbin
United States Senator



John Thune
United States Senator



Al Franken
United States Senator



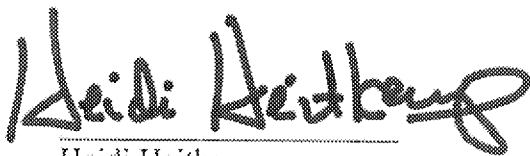
Joni K. Ernst
United States Senator



Sheldon Whitehouse
United States Senator



John Hoeven
United States Senator



Heidi Heitkamp
United States Senator



Deb Fischer
United States Senator



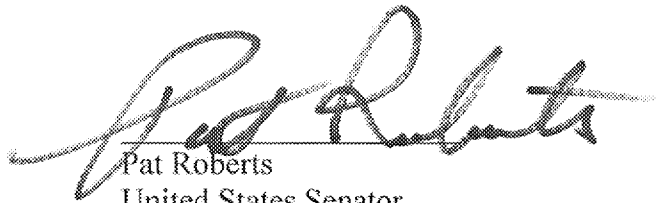
Debbie Stabenow
United States Senator



Roy Blunt
United States Senator



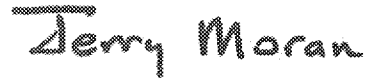
Claire McCaskill
United States Senator



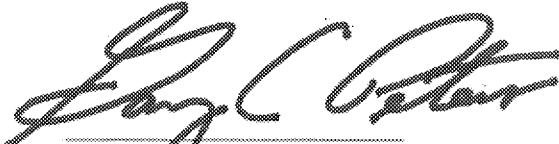
Pat Roberts
United States Senator



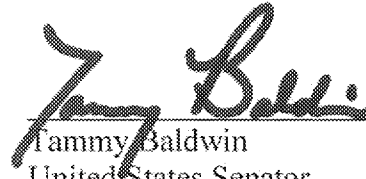
Mazie Hirono
United States Senator



Jerry Moran
United States Senator



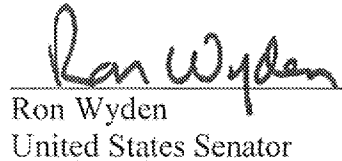
Gary Peters
United States Senator



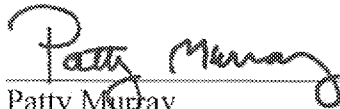
Tammy Baldwin
United States Senator



Tammy Duckworth
United States Senator



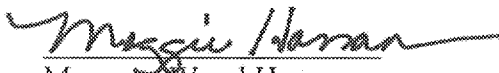
Ron Wyden
United States Senator



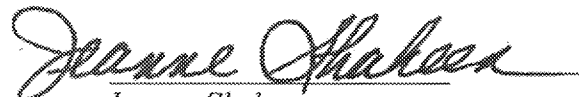
Patty Murray
United States Senator



Jack Reed
United States Senator



Margaret Wood Hassan
United States Senator



Jeanne Shaheen
United States Senator



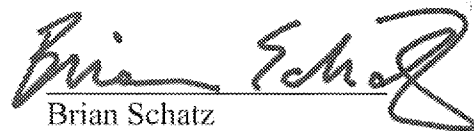
Joe Donnelly
United States Senator



Sherrod Brown
United States Senator



Maria Cantwell
United States Senator



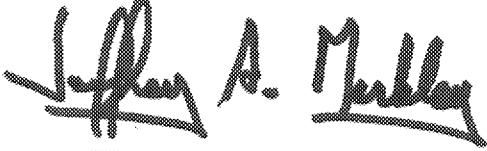
Brian Schatz
United States Senator



Martin Heinrich
United States Senator



Bill Nelson
United States Senator



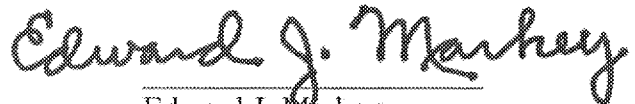
Jeffrey A. Merkley
United States Senator



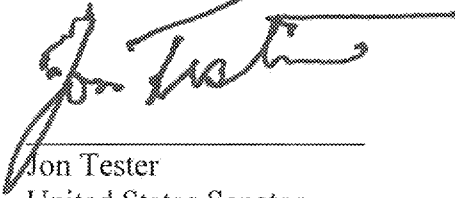
Catherine Cortez Masto
United States Senator



Richard Blumenthal
United States Senator



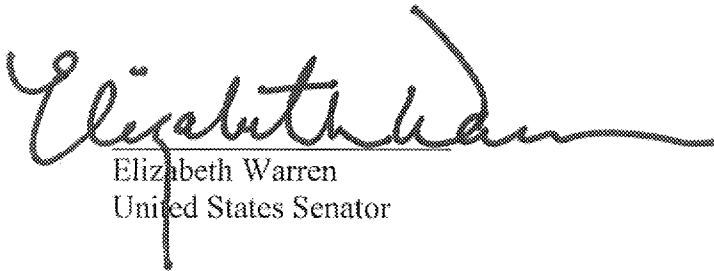
Edward J. Markey
United States Senator



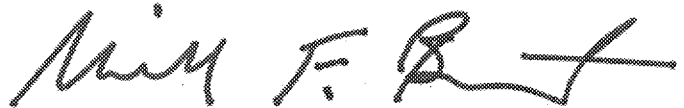
Jon Tester
United States Senator



Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Michael Bennet
United States Senator

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 10/5/2017 7:37:28 PM
To: Knapp, Kristien [Knapp.Kristien@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Haman, Patricia [Haman.Patricia@epa.gov]
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Thank you for flagging that Kristien.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Knapp, Kristien [mailto:Knapp.Kristien@epa.gov]
Sent: Thursday, October 5, 2017 3:31 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Hi Devin –

The notice published in the Federal Register yesterday, here is the link – <https://www.gpo.gov/fdsys/pkg/FR-2017-10-04/pdf/2017-21128.pdf>. The comment period is open until October 19. Please let us know if you have any other questions.

Thanks,
Kristien

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Tuesday, September 26, 2017 6:05 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Re: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Thanks for the prompt response. Will look for the link in the coming days.

Devin

----- Original message -----

From: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Date: 9/26/17 5:43 PM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>, "Palich, Christian" <palich.christian@epa.gov>
Cc: "Haman, Patricia" <Haman.Patricia@epa.gov>, "Knapp, Kristien" <Knapp.Kristien@epa.gov>
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Thanks for the note Devin. It should publish in the Federal Register within the next week. We will track it and send you the link when it goes live. Have a great evening.

Best,
Tony

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Tuesday, September 26, 2017 5:18 PM
To: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Noted. Count on some comments. When will this appear in the Federal Register?

Thanks Christian.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [<mailto:palich.christian@epa.gov>]
Sent: Tuesday, September 26, 2017 3:03 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Hi Devin,

Appreciate the feedback. We are simply taking/seeking comment on an approach that discounts imports for purposes of setting a domestic mandate. If you have any thoughts or ideas we definitely have an interest in hearing them. The NODA is truly looking for input not forecasting any specific direction.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S. Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Tuesday, September 26, 2017 2:12 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Haman, Patricia <Haman.Patricia@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Christian and Tony,

I think I must be reading this incorrectly, as it appears you're trying to flip the script on the "inadequate domestic supply" ruling by not counting imported biodiesel gallons when calculating RVOs, but that you are going to allow imports to qualify for RIN credits in the program?

Thanks in advance for clarifying.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Knapp, Kristien [<mailto:Knapp.Kristien@epa.gov>]
Sent: Tuesday, September 26, 2017 12:06 PM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>
Subject: EPA issues a Notice of Data Availability related to the proposed 2018 RFS volumes

Good afternoon,

Today, EPA issued a Notice of Data Availability related to the *Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel (BBD) Volume for 2019* proposed rule. This NODA provides the public notice and an opportunity to comment on potential reductions to the 2018 biomass-based diesel, advanced biofuel, and total renewable fuel volumes, and the 2019 biomass-based diesel volume under the Renewable Fuel Standard (RFS) program.

The Notice of Data Availability presents historical data on imports of renewable fuel and several options for how the EPA may consider such data in establishing the final volume requirements using one or more of the waiver authorities provided by the statute. Once the NODA is published in the Federal Register, there will be a 15-day comment period. It is important to note the NODA only requests comment on specific issues addressed within; comments on the overall proposal were due by August 31st. EPA intends to meet the November 30 statutory deadline for issuing the final volumes.

For more information, visit: <https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>. Please let me know if you have any questions.

Thanks,
Kristien

Kristien Knapp
Office of Congressional Affairs
U.S. Environmental Protection Agency
(202) 564-3277

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 9/27/2017 10:19:44 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]
Subject: epa conference call on 8-24 Mandy Stephanie Bob Tate.docx
Attachments: epa conference call on 8-24 Mandy Stephanie Bob Tate.docx

Christian and Tony,

Thanks for your time earlier today. Attached is the letter that Corn Oil One sent via certified mail to Mandy on September 5th. I am not sure if they also sent it electronically, but I wanted to ensure you had a copy.

Per our conversation, please send us some dates that work for a group call next week.

Thanks,
Devin



August 31, 2017

Mandy Gunasekara
Environmental Protection Agency
1200 Pennsylvania Ave NW MC 1101A
Washington DC 20460

Ms. Gunasekara:

On Thursday, August 24, we had a conference call between you, myself, Stephanie Groen of Governor Kim Reynold's office, and Tate Bennet, of your agency.

I continue to rely on a prior EPA designation (see materials that we delivered in person to you on June 21, 2017) that Non-Food Grade Corn Oil separated by centrifugal devices is a valid feedstock for RIN generating biodiesel. Some have indicated that a distinction might be made because our corn oil refinery is off-site from some of our non-food grade corn oil vendors. This is a distinction without a difference, because there are many instances of soybean crush plants that ship their crude oil to a refinery that is offsite, where it is refined. At most of these soy oil refineries, there is not an attached biodiesel plant, and the refined oil used in biodiesel, therefore, is shipped to a biodiesel plant located elsewhere. The conclusion that follows this logic is that because there are many instances of this three-plant supply chain in the soybean oil industry, and this supply chain is identical to the supply chain involving Corn Oil 1, then Corn Oil 1 should enjoy the same designation as soybean oil, that of a valid feedstock in the biodiesel pathway. I need EPA to assert that the Corn Oil 1 production is thus.

Since the soybean oil industry enjoys this designation, that of a certified pathway to RIN generation in the biodiesel industry, it would be arbitrary to characterize Corn Oil 1 as anything but a valid feedstock without treating the soybean oil industry the same way.



You asked me to provide the names and contact information to some of these plants that crush soybeans only, and ship their oil to another facility for further refining, which would then be sent to another location for biodiesel manufacturing.

I have listed three, below, although this is a common practice throughout the oilseed processing industry, and there are many instances of this throughout North America.

I have located the contact information for these plants, for your convenience and verification.

Bunge Oilseed Processing Affiliate of Bunge North America, Inc. 701 East 6th Avenue Emporia, KS, 66801-0518 Phone: 316-342-7270 [HYPERLINK "http://www.bungenorthamerica.com"]	Cargill, Inc. 2306 Rochester Avenue Kansas City, MO, 64210 Phone: 816-245-0502 [HYPERLINK "http://www.cargill.com"]	ADM – Fostoria 608 Findlay St, Fostoria, OH 44830 Phone: 419-435-6633 [HYPERLINK "http://farmerservices.adm.com/en-US/products/grain-farmer-services/locations/Fostoria/Pages/default.aspx"]
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Please let me know by return mail of your receipt of this information, and of any additional information you need to positively designate the Non Food Grade Corn Oil that Corn Oil 1 produces as a valid feedstock for biodiesel production and subsequent RIN generation.

Thank you for your attention to this urgent matter.

Robert G. Riley, Jr.

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 9/27/2017 9:29:55 PM
To: Simonsen, Brian (Judiciary-Rep) [Brian_Simonsen@judiciary-rep.senate.gov]; Taryn Frideres [tfrideres@gmail.com]; Frye, Tony (Robert) [frye.robert@epa.gov]; Margaret Peterson [margaret.a.peterson07@gmail.com]; Janowski, Danielle (Thune) [Danielle_Janowski@thune.senate.gov]; megbaglien@gmail.com; Fine, Lauren [Lauren.Fine@mail.house.gov]; Katherina Dimenstein [k.dimenstein@gmail.com]
Subject: FW: Staff Announcement

Ernst alums – see below.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Berger, Ryan (Ernst)
Sent: Wednesday, September 27, 2017 5:06 PM
To: Ernst-All-Staff <Ernst-All-Staff@routing.senate.gov>
Subject: Staff Announcement

I'm back with another staff announcement.

Mike Farr, who you all know as the current Leg Aide for our Energy & Environment (et al) portfolio, will be promoted to Legislative Assistant upon Andrea's departure in October. He has been with the office since mid-2015 and we know he will carry on the great work and dedication that Andrea started.

Please help me congratulate him on a job well done (so far; no pressure!) and on the new role.

Note 1: This will create an open LC position, so if you know of anyone who is interested and is a good fit, please let me know.

Note 2: There will be some minor tweaks to the portfolio, so I'll send out a full updated list soon—but generally it will remain the same.

Thanks,
Ryan

Ryan Berger
Deputy Chief of Staff
Senator Joni Ernst
111 Russell Senate Office Building
o: 202-224-3254



Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 9/27/2017 8:27:03 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: FYI - Sen. Ernst Letter to POTUS
Attachments: Untitled (007).pdf

Christian and Tony – Just wanted to flag for you that Senator Ernst sent the following letter to President Trump this afternoon.

Didn't want you to be caught off guard.

Regards,
Devin

JONI K. ERNST
IOWA

WASHINGTON, DC OFFICE
111 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: 202-224-3254
FAX: 202-224-8359
WWW.ERNST.SENATE.GOV

United States Senate

September 27, 2017

COMMITTEES
ARMED SERVICES
AGRICULTURE, NUTRITION
AND FORESTRY
ENVIRONMENT
AND PUBLIC WORKS
SMALL BUSINESS
AND ENTREPRENEURSHIP

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

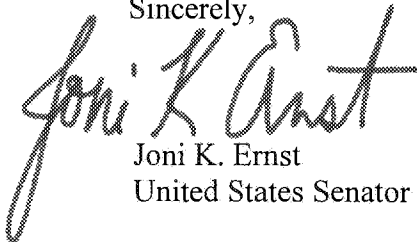
Dear President Trump:

As you know, the Renewable Fuel Standard (RFS) is critical to our farmers, and is an important part of our national energy security. Ethanol and biodiesel provide jobs across rural America, along with clean, renewable energy that is made in the U.S.A.

Your relentless backing of this energy policy has been very much appreciated. I was surprised yesterday to see your Environmental Protection Agency (EPA) put forward a Notice of Data Availability related to biodiesel volumes in the RFS for 2018 that have already been finalized, along with proposed volumes for 2019. While the document technically "provides the public notice and an opportunity to comment," in reality it serves to make the case for substantially lowering the volumes for U.S. produced biodiesel, just as domestic producers are making investments to bring unused capacity back online. Needless to say, this is bad for American farmers, American manufacturing and American rural communities, and appears to be at odds with your commitment to grow American renewable fuels.

It is my hope that this "opportunity to comment" is that and only that. It is my hope that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country. And it is my hope that your support of American jobs and made in America energy has not wavered.

Sincerely,



Joni K. Ernst
United States Senator

DES MOINES OFFICE
733 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50300
PHONE: 515-284-4574
FAX: 515-284-4837

CEDAR RAPIDS OFFICE
111 SEVENTH AVENUE SE
SUITE 400
CEDAR RAPIDS, IA 52401
PHONE: 319-365-4504
FAX: 319-366-4883

DAVENPORT OFFICE
201 WEST SECOND STREET
SUITE 300
DAVENPORT, IA 52501
PHONE: 563-322-0677
FAX: 563-322-0654

SIOUX CITY OFFICE
194 FEDERAL BUILDING
320 SIXTH STREET
SIOUX CITY, IA 51101
PHONE: 712-252-1580
FAX: 712-252-1638

COUNCIL BLUFFS OFFICE
221 FEDERAL BUILDING
8 SOUTH SIXTH STREET
COUNCIL BLUFFS, IA 51501
PHONE: 712-352-1167
FAX: 712-352-0087

ED_002903_00005320-00001

Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 9/28/2018 8:08:47 PM
To: Borum, Denis [Borum.Denis@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: FW: Call

Thanks so much, Denis! Sure appreciate the status update.

Have a great weekend.

Michael

From: Borum, Denis <Borum.Denis@epa.gov>
Sent: Friday, September 28, 2018 3:00 PM
To: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: FW: Call

Good afternoon, Michael –

Thank you for your inquiry on the status of the “Waters of the United States” rulemaking efforts. As you and your boss are aware, there has been an established two-step process: Step 1 – Repeal of the 2015 Rule and re-codification of the regulatory text that existed prior to 2015; and Step 2 – A replacement Rule (that would supersede the pre-2015 regulations).

Regarding Step 1, the initial public comment period on the proposal closed on September 27, 2017. However, the EPA and the Department of the Army (the agencies) sought additional comment on the proposal through a supplemental notice of proposed rulemaking – this new public comment period closed on August 13, 2018. The agencies continue to review and consider the many new comments, while also comparing/contrasting with the previous (July 2017) comments. As such, it is quite difficult to give a timeline right now.

Regarding Step 2, the agencies submitted to OMB for interagency review a proposed replacement rule that would revise the definition of “Waters of the United States.” Once interagency review is complete, the agencies will issue the proposed rule for public comment, and conduct outreach to the public, and our state and tribal co-regulators. We currently anticipate the replacement rule proposal by the end of this calendar year.

I will make a point to keep you apprised of developments in the schedule, including specific dates.

Denis

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

From: Dolch, Michael (Ernst) [mailto:Michael_Dolch@ernst.senate.gov]
Sent: Tuesday, September 25, 2018 10:31 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Call

Hey man, you free to a quick call? WOTUS related.

Ex. 6 Personal Privacy (PP)

Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 7/10/2019 1:30:56 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Update on Response to Meeting Request Letter
Attachments: june 27 EPA SRE mtg req.pdf

Hi Tony-

Hope you had a great 4th! Just wanted to check in and see if you all got our letter and if we can get started on finding a date that works for the group. Let me know if there are any updates on your end.

Best,
Meris

Ex. 6 Personal Privacy (PP)

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510
(202) 224-3254



United States Senate

WASHINGTON, DC 20510

June 27, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Wheeler:

As the Environmental Protection Agency (EPA) is anticipated to soon take action concerning the Renewable Fuels Standard (RFS), including proposing Renewable Volume Obligations (RVOs) for the next fiscal year, we write to request a meeting to discuss the continued issuance of Small Refinery Exemptions (SREs) and related matters. Specifically, we wish to discuss recent media reports that the administration has contemplated returning to a more precise interpretation of the RFS statute pertaining to SREs, a move we would strongly support.¹

As you know, the RFS allows EPA to exempt small refineries if they prove that complying with the RFS would cause “disproportionate economic hardship.” The Department of Energy (DOE) is responsible for providing a recommendation to the EPA Administrator on whether SREs should be granted. Unfortunately, court documents released March 7, 2019, revealed that despite our urging and DOE recommendations, EPA stopped “considering whether compliance with the [RFS] would prevent a refinery from making money and being competitive,” instead considering a lesser threshold of whether RFS compliance might cause merely a “disproportionate” impact on the refinery.²

Moreover, in previous meetings, correspondence, and testimony before Congress, EPA leadership has asserted that it has been forced to operate a more generous SRE scheme because of a May 4, 2017, U.S. Court of Appeals decision. However, additional reporting, which includes testimony from a former EPA appointee working closely on RFS matters, revealed that months prior to the court’s ruling EPA began “allowing exemptions to refineries even if their operations ‘are not significantly impaired’ by compliance.”³ Such action has been detrimental to a biofuels industry that has seen operations idle and shutter, sharply contrasting with refineries whose parent companies have enjoyed substantial profits.⁴

In March 2019, EPA granted its 35th hardship waiver for a total of 37 applications for the 2017 compliance year. In 24 recent cases, the DOE found RFS compliance would have no impact on a petitioning refinery’s ability to stay competitive and profitable, but EPA still granted a waiver.⁵ In 2016 and 2017, EPA undermined its respective ethanol RVOs of 14.5 and 15 billion gallons by almost 10 percent, granting 54 SREs and waiving 2.61 billion gallons. We are alarmed that 39 SRE petitions have been submitted for 2018, potentially supporting what could be the most SREs that EPA grants for a single year.

¹ <https://www.cnbc.com/2019/06/14/reuters-america-trump-mulled-plan-in-2018-to-scale-back-u-s-biofuel-waivers-documents.html>

² <https://www.reuters.com/article/us-usa-biofuels-waivers/epa-changed-rules-to-help-profitable-refiners-get-biofuel-waivers-lawsuit-idUSKCN1QO2A2>

³ <https://www.businessinsider.com/exclusive-trump-epa-did-not-await-court-ruling-to-loosen-biofuel-rules-for-refiners-documents-2019-5>

⁴ <https://www.dtnpf.com/agriculture/web/ag/blogs/ethanol-blog/blog-post/2018/12/20/companies-idling-ethanol-plants-weak>

⁵ <https://www.reuters.com/article/us-usa-biofuels-waivers/epa-changed-rules-to-help-profitable-refiners-get-biofuel-waivers-lawsuit-idUSKCN1QO2A2>

However, we are optimistic that the administration may be considering not only returning to a stricter interpretation of the RFS, but accounting for gallons lost to SREs. As Senators representing America's heartland and robust agriculture industry, we would encourage EPA to act on the recommendations set forth in a June 1, 2018, memo from Special Assistant to the President for Domestic Energy and Environmental Policy, National Economic Council, Francis Brooke, which proposed that EPA "grant future small refinery exemptions based only on true disproportionate hardship."⁶ The recommendation also proposed to "restructure the timing of small refinery exemption applications so that all future exemption applications will have to be submitted before EPA sets the RVO for the following year," as well as "reallocate future small refinery exemptions to the RVO."⁷

Mr. Administrator, we were pleased that you were able to travel to the Midwest with President Trump earlier this month to announce EPA's final rule to allow gasoline blended with up to 15 percent ethanol to be sold-year round.⁸ This rule, for which we recognize and appreciate your dedicated work, will not only expand opportunities for America's farmers, but lower vehicle emissions and offer Americans more affordable fuel at the pumps. We hope you were able to hear this good news firsthand from our constituents. However, the E15 rule alone is not sufficient to make our biofuels and agriculture producers whole with respect to ethanol volumes lost from EPA's liberal interpretation of the SRE provisions.

We therefore request a meeting to discuss this important economic and energy matter at your earliest convenience, and sincerely hope we are able to hold a productive discussion prior to any additional EPA action. We appreciate your continued and timely attention to this matter.

Sincerely,



JOHN THUNE
United States Senator

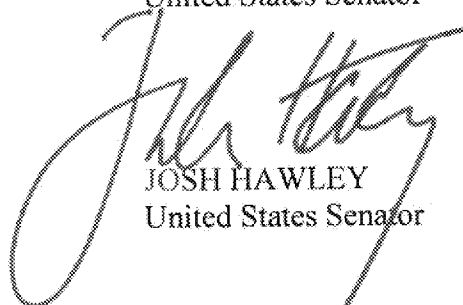

CHARLES E. GRASSLEY
United States Senator


ROY BLUNT
United States Senator


DEB FISCHER
United States Senator


M. MICHAEL ROUNDS
United States Senator


JONI K. ERNST
United States Senator


JOSH HAWLEY
United States Senator

Cc: The Honorable Bill Wehrum, EPA

⁶ Brooke, Francis. Memorandum. "Renewable Fuel Standard (RFS) Agreement." June 1, 2018.

⁷ Ibid.

⁸ <https://www.epa.gov/renewable-fuel-standard-program/final-rulemaking-modifications-fuel-regulations-provide-flexibility>

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 6/19/2019 12:54:37 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Do you have time for a call later today? maybe around 2?

Flag: Follow up

Thanks: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, June 19, 2019 8:40 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: RE: Do you have time for a call later today? maybe around 2?

Should be free then. I'll give you a ring around that time

Tony Frye
Director of Senate Affairs
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Sent: Wednesday, June 19, 2019 8:15 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Do you have time for a call later today? maybe around 2?

Michael Farr
Legislative Assistant
Senator Joni Ernst
730 Hart Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 1/22/2018 7:07:07 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Subject: RE: WOTUS Statement

Thanks for the heads up

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Monday, January 22, 2018 2:03 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: WOTUS Statement

Hello Gentlemen – Below is our press statement following the Court’s decision on WOTUS today. Let us know if anything comes up.

Best,
Tony

On the record statement:

“The Trump administration saw this decision coming and put a plan in place to level the playing field and ensure certainty for states and regulated community. The Trump administration’s stay of the 2015 WOTUS rule will very likely be complete before any change in court jurisdiction can be finalized, or the Obama administration’s overreaching definition of WOTUS can be implemented,” **EPA spokesperson Liz Bowman.**

Additional background:

- The decision by the Supreme Court today was in regard to the Obama administration’s position on court jurisdiction, and the Trump administration chose not change that strategy.
- There is a period of reconsideration with the Supreme Court that is available to litigants, therefore the Trump EPA put procedures in place to provide certainty to the regulated community throughout this repeal process.
- While this decision means that the 6th Circuit will not have jurisdiction in the near term, the 13 state stay by the North Dakota District Court will remain in place.
- While this decision appears to mean that some states (13) will not be affected by today’s decision and the rest of the country may need to follow the 2015 rule, the Trump administration prepared for this patchwork of uncertainty and has developed a plan to ensure that the 2015 rule remains stayed in the long term.
- The 13 states under the stay from the district court in North Dakota include: North Dakota, Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, Wyoming, and New Mexico.

Tony Frye
Special Assistant

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Phone: 202.564.0640

Cell: Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 2/26/2018 2:09:52 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Update on EPA Snap Rule

Flag: Follow up

Tony,

The vending machine industry has petitioned the EPA for an extension of the compliance date for the EPA's "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program" (SNAP) Rule. It is currently set to go into effect on 1/1/2019.

Do you know what the status of the petition for the extension is?

Thanks,
Mike

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 7/12/2018 7:39:53 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Thundiyil, Karen [Thundiyil.Karen@epa.gov]
Subject: RE: RFS Hearing

Thank you, sir. Really appreciate you circling back with the info so quickly.

Michael

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, July 12, 2018 3:37 PM
To: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Thundiyil, Karen <Thundiyil.Karen@epa.gov>
Subject: RE: RFS Hearing

Hey Michael – The hearing will be held on July 18th, in Ypsilanti, MI, which is just outside of Ann Arbor.

Ann Arbor Marriott Ypsilanti
Eagle Crest, 1275 S. Huron St.
Ypsilanti, MI 48197

The event will begin at 9am and go until all interested parties present have had an opportunity to speak. More information can be found on the second column of the attached doc. Do you know if Senator Ernst is interested in speaking?

Let us know if you have any other thoughts or questions.

Thanks,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Dolch, Michael (Ernst) [mailto:Michael_Dolch@ernst.senate.gov]
Sent: Thursday, July 12, 2018 2:00 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RFS Hearing

Hey man, hope you're doing well. Do you have any info on next week's hearing in Michigan?

Michael

Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 7/12/2018 6:13:24 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: RFS Hearing

Appreciate it my man!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, July 12, 2018 2:02 PM
To: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Subject: RE: RFS Hearing

Thanks Dolch – Checking with our folks. When I hear back, I'll let you know.

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Dolch, Michael (Ernst) [mailto:Michael_Dolch@ernst.senate.gov]
Sent: Thursday, July 12, 2018 2:00 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RFS Hearing

Hey man, hope you're doing well. Do you have any info on next week's hearing in Michigan?

Michael

Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 8/21/2018 6:36:51 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Small Refinery Exemptions Updated Response

Thank you, sir! Sure appreciate the updated version.

Hope all is well.

Michael

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, August 21, 2018 1:01 PM
To: Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Small Refinery Exemptions Updated Response

Hello Michael,

Attached, please find an updated response to the letter your boss signed on April 12, 2018, regarding the small refinery exemption program under the RFS. Please don't hesitate to let us know if you have any questions. Have a great day.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/11/2018 6:59:57 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Midterm Evaluation of Light-Duty Vehicle Emissions Standards

Thanks, Tony!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, July 11, 2018 2:55 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Midterm Evaluation of Light-Duty Vehicle Emissions Standards

Hey Mike – Thanks for the call earlier. After our discussion, I thought this information might be helpful background.

On April 2nd, EPA released a notice withdrawing the previous Final Determination of the Mid-term Evaluation (MTE) of greenhouse gas (GHG) emission standards for model year (MY) 2022-2025 light-duty vehicles issued by the agency in January 2017. The Agency has made a new Final Determination that the standards are not appropriate in light of the record before EPA and, therefore, should be revised to be less stringent. EPA, in a forthcoming Federal Register notice, will initiate a notice and comment rulemaking under section 202(a) of the Clean Air Act to further consider appropriate standards for model year 2022-2025 light-duty vehicles.

Here is a [link](#) that goes a little in depth to provide clarity about the issue with some additional background. If you have any additional questions or need context, don't hesitate to let me know and we can schedule a call with our program folks.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 7/11/2018 5:15:32 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: can you call me: Ex. 6 Personal Privacy (PP)

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
Sent: 9/20/2018 8:55:19 PM
To: Dolch, Michael (Ernst) [Michael_Dolch@ernst.senate.gov]
CC: Michael Dolch [michael.d.dolch@gmail.com]
Subject: Next Adventure

Friends and Colleagues,

I'm touching base to share a quick update. Next Friday, September 28, is my last day with Team Ernst. On Monday, October 8, I will join Iowa Soybean Association as the new Director of Public Affairs in Ankeny, IA.

While I'm excited to return home for this incredible opportunity, I will miss living and working inside the Beltway – the people most of all. I honestly can't tell you how much I've enjoyed pushing the fight with you, and how much I value the patience, encouragement, and friendship you've shown. I am proud of what we accomplished together on behalf of farmers, ranchers, and rural communities. Luckily, the new position is squarely focused on agriculture and will give way to the occasional trip to DC.

My personal email is Ex. 6 Personal Privacy (PP) so please don't hesitate to reach out. Be sure to holler the next time you pass through the Heartland. I'll have fresh Casey's pizza and cold Busch Light.

All the best,

Michael

Michael Dolch
Legislative Assistant
Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510-1503
202-224-3254



Message

From: Nuelle, Ben (Ernst) [Ben_Nuelle@ernst.senate.gov]
Sent: 8/10/2018 6:29:26 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: Next week's visit

No worries!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Date: 8/10/18 1:22 PM (GMT-06:00)
To: "Nuelle, Ben (Ernst)" <Ben_Nuelle@ernst.senate.gov>
Cc: "Palich, Christian" <palich.christian@epa.gov>
Subject: RE: Next week's visit

Hey Ben – Unfortunately, the principals meeting isn't including any staff, but you are more than welcome to join for the roundtable. Apologies for the confusion. Have a great weekend!

Tony Frye
Special Advisor
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Nuelle, Ben (Ernst) [mailto:Ben_Nuelle@ernst.senate.gov]
Sent: Thursday, August 9, 2018 5:25 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Next week's visit

Hi Tony – Thank you for responding. I am able to join for both events.

Ben Nuelle | **Special Assistant for Agriculture**
United States Senator Joni K. Ernst
Des Moines, IA 50309
Ben_Nuelle@ernst.senate.gov
O: 515.284.4574 F: 515.284.4937
C: Ex. 6 Personal Privacy (PP)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Thursday, August 9, 2018 4:15 PM
To: Nuelle, Ben (Ernst) <Ben_Nuelle@ernst.senate.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: RE: Next week's visit

Hey Ben – Thanks for the note. Apologies on the delay in getting back to you. The following events are scheduled for Monday afternoon and would be the best use of your time if you are able to join for either or both.

2:00pm

Meeting with Principals at the Fairground Pork Chop Building

3:00pm

Roundtable Discussion with Agriculture Commodity Groups – Jacobson Barn at the Fairgrounds

I'll be in town for the visit so free to let me know if you have any issues tracking us down or have additional questions!

Tony Frye

Special Advisor

Office of Congressional & Intergovernmental Affairs

Environmental Protection Agency

Cell: Ex. 6 Personal Privacy (PP)

From: Nuelle, Ben (Ernst) [mailto:Ben_Nuelle@ernst.senate.gov]

Sent: Thursday, August 9, 2018 4:21 PM

To: Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: Next week's visit

Good afternoon Tony-

Just following about the visit next week. Do you happen to have an agenda and timeline?

My schedule is open Monday and am available to attend events as needed.

Thanks,

Ben Nuelle | Special Assistant for Agriculture

United States Senator Joni K. Ernst

Des Moines, IA 50309

Ben_Nuelle@ernst.senate.gov

O: 515.284.4574 F: 515.284.4937

Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 5/28/2019 6:56:52 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: E15

Hi Tony –

Hope you had a great long weekend. I'm prepping some points for Joni for an ethanol plant grand opening in Iowa on Friday. We want to give a big shout out to your boss and potus for e15. Do you have any idea when the final rule is going to be released? This would be between us, happy to chat offline.

Ex. 6 Personal Privacy (PP)

Best,
Meris

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510
(202) 224-3254



Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 6/12/2018 8:24:43 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Meeting with EPA Nominees

Awww. Thanks, Tony! Hope you're doing well-tell Falcia I say hi!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, June 12, 2018 2:55 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: RE: Meeting with EPA Nominees

Thanks Josie – Ex. 6 Personal Privacy (PP) Take care!
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Beecher, Josie (Ernst) [mailto:Josie_Beecher@ernst.senate.gov]
Sent: Tuesday, June 12, 2018 1:32 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Klein, Courtney (Ernst) <Courtney_Klein@ernst.senate.gov>
Subject: RE: Meeting with EPA Nominees

Hi Tony-
Good to hear from you! With NDAA on the floor this week, Senator Ernst's schedule is pretty packed. I apologize for the inconvenience. Should anything open up, I'll let you know as soon as possible.
Best-
Josie

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Friday, June 8, 2018 12:09 PM
To: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>
Subject: Meeting with EPA Nominees

Hello Josie,

The White House has announced EPA Nominees for Assistant Administrator of the Office of Land & Emergency Management (OLEM) Peter Wright, and the Assistant Administrator for the Office International & Tribal Affairs (OITA) Chad McIntosh.

Both nominees will be in DC from the afternoon of Monday, June 11th, to Thursday, June 14th, in advance of their nomination hearing on June 20th and available for an introductory meeting with Senator Ernst. Out of respect for the

Senator's time, we would be happy to schedule the meeting together or individually. Please let me know if the Senator would be interested in a meeting and if so, what times would be best.

We are very excited about the nomination process and happy to answer any further questions you might have.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 8/7/2017 3:44:51 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Corn Oil One

Flag: Follow up

Christian and Tony,

I think you both may be on vacation, but wanted to flag for you that Sen. Ernst may inquire as to the Corn Oil One situation on the sidelines of the WOTUS event in Des Moines tomorrow (Tuesday) with Admin. Pruitt.

Thanks,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 3/8/2018 9:01:44 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: EPA Awards \$532,000 To Iowa School Districts to Reduce Diesel Emissions from School Buses

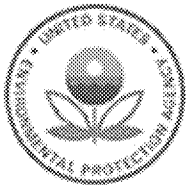
Thanks bro

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Thursday, March 8, 2018 3:55 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Subject: FW: EPA Awards \$532,000 To Iowa School Districts to Reduce Diesel Emissions from School Buses

FYI

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: EPA Region 7 [mailto:noreply-subscriptions@epa.gov]
Sent: Thursday, March 8, 2018 3:42 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: EPA Awards \$532,000 To Iowa School Districts to Reduce Diesel Emissions from School Buses



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd, Lenexa, Kan. 66219
Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

Contact Information: David W. Bryan, APR, 913-551-7433, bryan.david@epa.gov

FOR IMMEDIATE RELEASE

EPA Awards \$532,000 To Iowa School Districts to Reduce Diesel Emissions from School Buses

LENEXA, Kan. (March 8, 2018) - The Environmental Protection Agency (EPA) today awarded \$532,000 to 16 Iowa school districts to replace 28 older diesel school buses. Nationally, EPA awarded more than \$8.7 million to replace or retrofit 452 older diesel school buses. The funds are going to 141 school bus fleets in 32 states. Each of the school districts will receive rebates through EPA's Diesel Emissions Reduction Act (DERA) funding. The new buses will reduce pollutants that are linked to health problems such as asthma and lung damage.

"These rebates are an innovative way to improve air quality across the country and provide kids with safe, reliable transportation to and from school," **said EPA Administrator Scott Pruitt**. "Through the Diesel Emissions Reduction Act, EPA is equipping local school districts with cleaner-running school buses, helping them along the route to healthier kids and communities."

"Since the EPA launched its Clean School Bus USA program 15 years ago, the agency has been working to ensure that the safest way 26 million students get to school, the iconic yellow school bus, is also one of the healthiest," **said Charlie Hood, executive director of the National Association of State Directors of Pupil Transportation Services**. "The DERA School Bus Replacement program has been instrumental in helping school districts and contractors replace older diesel school buses with newer buses that drastically reduce airborne emissions. The program is one of the most administratively simple within the federal government and has been extremely cost-effective at achieving its intended goals. America's students and taxpayers are the beneficiaries."

"The National School Transportation Association (NSTA), and private school bus contractors around the country, congratulates EPA and those receiving rebate awards for the purchase of new clean vehicles and equipment," **said NSTA President Blake Krapf**. "On behalf of private school bus companies serving school districts around the country, we have strongly supported the DERA program. It is another way we can provide the safest and cleanest form of transportation for our precious cargo of school children and for the communities in which they live."

Applicants replacing buses with engine model years of 2006 and older will receive rebates between \$15,000 and \$20,000, depending on the size of the bus. Applicants also had the option of retrofitting school buses with engine model years between 1994 to 2006 with a Diesel Oxidation Catalyst, Closed Crankcase Ventilation system, and Fuel Operated Heater to reduce toxic emissions. All Region 7 rebates will go to the replacement of school buses.

EPA has implemented standards to make newer diesel engines more than 90 percent cleaner, but many older diesel school buses are still operating. These older diesel engines emit large amounts of pollutants such as nitrogen oxides and particulate matter, which are linked to instances of aggravated asthma, lung damage and other serious health problems.

Since 2008, the DERA program has funded more than 700 clean diesel projects across the country, reducing emissions in more than 70,000 engines.

The 2017 DERA school bus rebate recipients in Iowa are:

City	Selectee	Funding	Buses
Britt	West Hancock CSD	\$20,000	1
Reinbeck	Gladbrook-Reinbeck Community School	\$20,000	1
Clear Lake	Clear Lake School District	\$20,000	1
Bondurant	Bondurant-Farrar Community School District	\$60,000	3
Fairfield	Fairfield Community School District	\$40,000	2
Atlantic	Atlantic Community School District	\$20,000	1
Independence	Independence CSD	\$32,000	3
Jefferson	Greene County School District	\$20,000	1
Jackson Junction	Turkey Valley Community School	\$20,000	1
West Liberty	West Liberty CSD	\$20,000	1
Packwood	Pekin Community School District	\$40,000	2

New Hampton	New Hampton Community School District	\$20,000	1
Dakota City	Humboldt Community Schools	\$80,000	4
Sigourney	Sigourney Community School District	\$20,000	1
Sioux City	Sioux City Community School District	\$60,000	3
Avoca	AHSTW Community School District	\$40,000	2

A comprehensive list of the 2017 DERA school bus recipients can be found at
<https://www.epa.gov/cleandiesel/clean-diesel-rebates>

###

For more information about the DERA program, visit www.epa.gov/cleandiesel.

Connect with EPA Region 7 on Facebook: www.facebook.com/eparegion7

Follow us on Twitter: @EPARegion7

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219 United States

Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 2/28/2018 7:47:25 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Update on EPA Snap Rule

Sorry to bug you again, but do you have an answer on this yet?

From: Farr, Michael (Ernst)
Sent: Tuesday, February 27, 2018 4:56 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Subject: RE: Update on EPA Snap Rule

From: Farr, Michael (Ernst)
Sent: Tuesday, February 27, 2018 3:58 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Subject: RE: Update on EPA Snap Rule

Any update here?

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Monday, February 26, 2018 9:31 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Update on EPA Snap Rule

Thanks Mike – I'll check with the folks here and let you know what I hear back. Have a great Monday.

Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) [mailto:Michael_Farr@ernst.senate.gov]
Sent: Monday, February 26, 2018 9:10 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Update on EPA Snap Rule

Tony,

The vending machine industry has petitioned the EPA for an extension of the compliance date for the EPA's "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program" (SNAP) Rule. It is currently set to go into effect on 1/1/2019.

Do you know what the status of the petition for the extension is?

Thanks,
Mike

Michael Farr
Legislative Assistant
Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254



Message

From: Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
Sent: 2/27/2018 9:55:58 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Update on EPA Snap Rule
Attachments: EPA Extension Request regarding SNAP Rule FINAL 7.21.17.pdf

From: Farr, Michael (Ernst)
Sent: Tuesday, February 27, 2018 3:58 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>
Subject: RE: Update on EPA Snap Rule

Any update here?

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Monday, February 26, 2018 9:31 AM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Update on EPA Snap Rule

Thanks Mike – I'll check with the folks here and let you know what I hear back. Have a great Monday.
Best,
Tony

Tony Frye
Special Assistant
Office of Congressional & Intergovernmental Affairs
Environmental Protection Agency
Phone: 202.564.0640
Cell: Ex. 6 Personal Privacy (PP)

From: Farr, Michael (Ernst) [mailto:Michael_Farr@ernst.senate.gov]
Sent: Monday, February 26, 2018 9:10 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Update on EPA Snap Rule

Tony,

The vending machine industry has petitioned the EPA for an extension of the compliance date for the EPA's "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program" (SNAP) Rule. It is currently set to go into effect on 1/1/2019.

Do you know what the status of the petition for the extension is?

Thanks,
Mike

Michael Farr
Legislative Assistant

Senator Joni Ernst
111 Russell Senate Office Building
202-224-3254





VIA EMAIL AND U.S. MAIL: Farquharson.chenise@epa.gov

July 21, 2017

Ms. Chenise Farquharson
Director, Office of Regulatory Policy and Management
Office of Policy
Environmental Protection Agency
Mail Code 2803A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Petition Requesting EPA SNAP extend the date for change of status of refrigerants used in new vending machines

Dear Ms. Farquharson,

This petition is submitted by the National Automatic Merchandising Association (NAMA) requesting that EPA extend the date for change of status of refrigerants used in vending machines included in EPA's final "Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program" (SNAP) Rule. While NAMA understands and supports the need for the Rule and status change, its members have encountered some unanticipated delays as they attempt to safely transition to come into compliance with SNAP.

Founded in 1936, NAMA is the association representing the \$25 billion U.S. convenience services industry. With more than 1,000 member companies – including many of the world's most recognized brands – NAMA provides advocacy, education, and research for its membership. NAMA's membership includes representatives from all parts of the supply chain, including vending machine manufacturing companies, with the core member being the vending machine operator who owns and operates vending machines.

October 17, 2014, NAMA submitted comments on behalf of the industry in response to the above-referenced SNAP Rule in Docket ID No. EPA-HQ-OAR-2014-0198. The final rule applicable to this letter was issued on July 2, 2015. The Rule delisted the below refrigerants from use in new vending machines as of January 1, 2019: FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R-422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), and SP34E.

This petition requests a 3 year extension (from January 2019 to January 2022) in the de-listing of these refrigerants for new vending machine. The extension should be granted for the following reasons.

1. Potential Elimination of Vending Machines in Schools, Prisons, Hospitals and other business locations –SNAP’s de-listing that is effective January 2019 will most likely force the majority of vending machine manufacturers to use R290, a flammable refrigerant, as their refrigerant of choice. The use of a flammable refrigerant in a vending machine triggers the inclusion of language from UL 541 Standard Supplement A6.2.3 in the installation and operating instructions of the vending machine. Below is the exact language of the UL 541 Standard for Safety for Vending Machines Supplement A6.2.3 that must be included in the instructions of the vending machine:

“SA6.2.3 The installation and operating instructions shall indicate that:

- a) Component parts shall be replaced with like components;
- b) Servicing shall be done by factory authorized service personnel, so as to minimize the risk of possible ignition due to incorrect parts or improper service; and
- c) A vending machine having a flammable refrigerant shall not be intended for use in lobbies or locations of egress, such as a hallway or public corridor.”

This requirement is particularly burdensome on the vending machine industry due to the restriction of placement of machines contained in section “c” above. Many vending machines are located in lobbies, locations of egress, hallways and public corridors. NAMA and the industry have been in discussions with UL regarding this issue and believes that extra time is necessary to resolve the impact of this restriction that could impose liability on both the machine manufacturer and the vending machine operating company - in addition to restricting locations in buildings commonly used to place vending machines. NAMA is also concerned that without being given the requisite time to update this requirement, other locations may limit vending machines that use a flammable refrigerant. These locations of concern include prisons, hospitals, military bases, and schools. If vending machine use at these major locations were restricted or eliminated, it would have a tremendous negative impact on business revenue for many small business owners.

2. Testing Timeline of Component Parts Not Feasible—As the new de-listing deadline draws closer, the industry feels certain that the supply of refrigerant will be available; however it is probable that the time to test and verify secondary component parts could extend past the de-listing date, causing disruption to the industry and barriers for new vending machines to enter the marketplace. For example, it is our understanding that component parts, including, but not limited to, vend motors and vending machine controllers (VMC’s), are yet to be definitively approved by UL.

Further, of the allowable refrigerants for vending machines under the SNAP Rule (R660a, R290, R744 and R441a), only R290 has readily-available components in the capacities needed, and is efficient enough for most vending machines to meet DOE’s new energy consumption limits (EERE-2013-BT-STD-0022) that also go into effect January 2019.

3. **Phase-in Period Would Reduce Challenges** – NAMA’s 2014 comments to the proposed SNAP Rule requested a six to eight year phase-in period based on previous experience with refrigerant changes in the industry, and how much time is required to update ASHRAE, UL, and other state and local codes.

Change of Status Decisions for Vending Machines

Change of Status Date	End-use	Substitutes
	Vending machines (new only)	FOR12A, FOR12B, HFC-134a, KDD6, R-125/290/134a/600a (55.0/1.0/42.5/1.5), R-404A, R-407C, R-410A, R-410B, R-417A, R-421A, R- 422B, R-422C, R-422D, R-426A, R-437A, R-438A, R-507A, RS-24 (2002 formulation), SP34E.
EPA Rule		Unacceptable as of January 1, 2019
NAMA Request		Unacceptable as of January 1, 2022

Further supporting documentation for our January 2022 request is included in a January 2017 UL White Paper entitled “*UPDATE — REVISITING FLAMMABLE REFRIGERANTS*” which addresses the challenge with code adoption of flammable refrigerant equipment in general.

“Code adoption is an important part of market acceptance of flammable refrigerant equipment. Code making bodies rely heavily on product safety standards for equipment while focusing on where and how such equipment can be installed. There is increasing acceptance of class A2L refrigerants, though the code development and adoption process will continue to require coordination and time for this class of refrigerants to be widely accepted. ***It is anticipated that this process will not be completed until 2021 or 2022 (emphasis added).*** It is worth observing that the potential presence of flammable refrigerants in appliances has not yet resulted in changes or proposals to change the fire hazard classification of the appliances or the distribution and storage facilities where these appliances will be kept prior to installation.”

http://library.ul.com/wp-content/uploads/sites/40/2017/02/UL_WhitePaper_FlammableRefrigerants_final_digital.pdf

NAMA strongly believes that its original requested date for the SNAP Rule implementation of January 2022 is necessary for safe and successful compliance with the Rule. Thus, NAMA is formally petitioning EPA to extend the date for change of status of refrigerants used in new vending machines included in EPA’s final “Protection of Stratospheric Ozone: Change of Listing Status for Certain Substitutes Under the Significant New Alternatives Policy Program” (SNAP) Rule to January 1, 2022.

Thank you for your consideration. NAMA looks forward to working together and to further discussing this important issue.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Eric Dell', written in a cursive style.

W. Eric Dell, Esquire
Senior Vice President, External Affairs

Cc: Mandy Gunasekara, Senior Policy Advisor, EPA
Via email only: Gunasekara.Mandy@epa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 7/28/2017 4:50:28 PM
To: Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]
Subject: RE: RFS RVO Hearing

Perfect! We will keep it to that! Thanks Kaitlyn – will let you know when we have a timeframe.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, July 28, 2017 12:23 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: Re: RFS RVO Hearing

3-5 mins is the time for comments but they won't cut her off

Sent from my iPhone

On Jul 28, 2017, at 12:06 PM, Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov> wrote:

Excellent! Thanks Kaitlyn – I'll work with our scheduling team to see what time frame might work. About how much time is each person/witness allowed (or what would you recommend?) to speak?

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Shimmin, Kaitlyn [mailto:shimmin.kaitlyn@epa.gov]
Sent: Friday, July 28, 2017 10:14 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>
Subject: RE: RFS RVO Hearing

Hi Devin,

It is a public hearing open to the press. Sen. Ernst would be able to speak when she arrived or we can set a specific time. We will have a VIP holding room. I'm still locking down a time but we are expecting two other high level elected officials around 11am-12pm. It would be helpful on our end to know when she plans on arriving just so that we can make sure it goes smoothly.

If you have any other questions please don't hesitate to give me a call.

Kaitlyn Shimmin
Special Assistant Congressional and Intergovernmental Affairs
Office of the Administrator

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
O: (202) 564-4108
C: Ex. 6 Personal Privacy (PP)
Shimmin.Kaitlyn@epa.gov

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Friday, July 28, 2017 9:50 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: RFS RVO Hearing

Tony,

It is possible we could make this work in the Senator's schedule. Can you give me an idea of the structure of the event and the level of press access? Also, would we be able to have a guaranteed time slot for her to speak?

Thanks,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Frye, Tony (Robert) [<mailto:frye.robert@epa.gov>]
Sent: Thursday, July 27, 2017 2:16 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: RFS RVO Hearing

Hey Devin,

Thanks for the note. The event on Tuesday, August 1st, is open to the public and is scheduled to begin at 9 am. Senator Ernst would be welcome to attend and deliver remarks if it works with her schedule. I've included Kaitlyn and Preston on this note as they are serving as the points of contact, so just let them know if you have any questions or if there is a window of time that may work for the Senator and we can go from there.

Let us know if anything else comes up.

Best,
Tony

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Thursday, July 27, 2017 1:57 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RFS RVO Hearing

Tony,

I heard there may be a hearing at EPA next Tuesday on the recent RVOs for 18 and 19. Is this a public event? Are you looking for additional panelists/witnesses?

I am out of town, but Senator Ernst may be able to attend.

Thanks in advance,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 7/26/2017 3:35:35 PM
To: Palich, Christian [palich.christian@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Corn Oil One

Haha well Tony started it by calling me "Mr. Mogler!"

Talk soon – thanks guys.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Wednesday, July 26, 2017 11:34 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Re: Corn Oil One

This is way to formal. Devin, we will call you shortly.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Jul 26, 2017, at 11:33 AM, Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov> wrote:

Mr. Robert Anthony – Certainly, I am free before 1:30 or after 4:00 PM.

My direct is Ex. 6 Personal Privacy (PP)

Call at your leisure

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Frye, Tony (Robert) [mailto:frye.robert@epa.gov]
Sent: Wednesday, July 26, 2017 11:22 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Corn Oil One

Mr. Mogler – Thanks for the note. Do you have time for a call today before 330?

Best,
Tony

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Wednesday, July 26, 2017 11:05 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Corn Oil One

Tony,
Hope you're getting settled in. Have you had a chance to dig into this at all?
Thanks,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Appointment

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 10/26/2018 4:15:22 PM
To: Lyons, Troy [lyons.troy@epa.gov]

Subject: Canceled: Lunch
Location: Del Frisco

Start: 10/26/2018 4:30:00 PM
End: 10/26/2018 5:30:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

Appointment

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 10/24/2018 8:48:58 PM
To: Lyons, Troy [lyons.troy@epa.gov]

Subject: Lunch
Location: Del Frisco

Start: 10/26/2018 4:30:00 PM
End: 10/26/2018 5:30:00 PM
Show Time As: Tentative

Recurrence: (none)

Appointment

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 10/24/2018 9:09:48 PM
To: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: Canceled: Lunch
Location: Del Frisco

Start: 10/26/2018 4:30:00 PM
End: 10/26/2018 5:30:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

Invite Holly or anyone else who wants to come!!

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 5/3/2019 12:25:52 AM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: Poet - Senator Ernst

Oh no?! Take care of yourself!

Sent from my iPhone

On May 2, 2019, at 8:18 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Ex. 6 Personal Privacy (PP) something is definitely going around.

I'm always happy to help. Yes, I too hope that the letter goes out Monday, and understand the need to follow up!-

Sent from my iPhone

On May 2, 2019, at 7:22 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Troy -- sorry I missed your calls -- **Ex. 6 Personal Privacy (PP)**
Ex. 6 Personal Privacy (PP) But the Senator wanted me to thank you for tracking this down for her. Let's just hope that letter truly does go out on Monday. I will probably need to follow up with you then!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) -- office
mobile

<image001.png><image002.png><image003.png><image004.png>

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, April 30, 2019 9:16 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: Poet - Senator Ernst

Any time!

Sent from my iPhone

On Apr 30, 2019, at 8:43 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

You are so terrific! I will see if that's good for the Senator.

Thank you Troy

Sent from my iPhone

On Apr 30, 2019, at 5:55 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Lisa—I have heard from the Air office that the response will be going out no later than Monday. Does that suffice or would the Senator still like to speak with Bill?

From: Goeas, Lisa (Ernst)
<Lisa_Goeas@ernst.senate.gov>
Sent: Tuesday, April 30, 2019 5:41 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Poet - Senator Ernst


Troy – as always, thank you so much! If it's not a call with Bill – an answer from anyone would be helpful.

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

 Ex. 6 Personal Privacy (PP) — office
mobile

<image001.png><image002.png><image003.png><image004.png>

- ? Poet met with Administrator Wheeler on March 13th, at which time Wheeler promised that they would be receiving a letter that spells out exactly what information they need to provide and the steps that need to be taken in order for the EPA to move forward and make a decision on the corn kernel fiber pathway application they submitted 2 years ago.
- ? After hearing Poet still had not received their letter, JKE asked to meet with Wehrum for an

update. On April 10th, Wehrum told JKE that he had seen a draft of the letter and thought it would go out in “a few days” then later he clarified and said “a week at most.”

- ? We are now 3 weeks down the road and still no letter. Staff has not been able to get any update on the timeline beyond confirmation that it hasn't been sent.

Background:

Poet's Pending Corn Fiber Application

- ? Corn kernel fiber was considered a cellulosic material at the onset of the RFS
- ? 2 years ago, Poet submitted a pathway application to get D3 RIN certification for their process.
- ? EPA continues to move the goal posts, telling them what they need to do to get signoff and then later telling them they have to do even more.
 - o Wehrum needs to provide and update on timeline and process and explain why things appear to keep changing
- ? At a recent meeting, Wheeler committed to sending a letter detailing exactly what Poet needs to get done in order to comply.
- ? What this means for Poet: currently they are producing 60m gallons that could be classified as D3 RINS but instead these gallons are counting as D6 conventional corn ethanol.

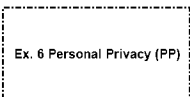
Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 10/17/2017 3:39:17 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Today's Meeting

Sounds good -- thx

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

 Ex. 6 Personal Privacy (PP) -- office
mobile



From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Tuesday, October 17, 2017 10:56 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Today's Meeting

We are looking forward to today's meeting with Senator Ernst and other mid-west Senators. We expect a productive conversation and hope it will satisfy the Senator. As I mentioned earlier, if there are specific concerns the Senator would like to hear from the Administrator, please let us know. If concerns have not been resolved, please let us know so we can work with you all on a resolution.

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

 Ex. 6 Personal Privacy (PP) cell)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 9/29/2017 7:06:50 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Dominguez, Alexander [dominguez.alexander@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: RE: Time to chat?

Thank you all for taking the time to do the call today. Appreciate it -

Lisa Goeas
Chief of Staff

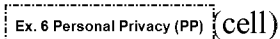
Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510



From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Friday, September 29, 2017 2:16 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: Re: Time to chat?

Any chance we could push to 230?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency



Sent from my iPhone

On Sep 29, 2017, at 11:55 AM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Sounds good.

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

office
mobile

<image001.png><image002.png><image003.png><image004.png>

From: Dominguez, Alexander [<mailto:dominguez.alexander@epa.gov>]

Sent: Friday, September 29, 2017 10:03 AM

To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>

Subject: RE: Time to chat?

Let's go with 2:15 if that works for everyone.

Conference Line:

Ex. 6 Personal Privacy (PP)

Passcode:

Ex. 6 Personal Privacy (PP)

Alex

Alex Dominguez

*Policy Analyst to the Senior Advisors to
the Administrator for Air and Water
U.S. Environmental Protection Agency*

From: Goeas, Lisa (Ernst) [mailto:Lisa_Goeas@ernst.senate.gov]

Sent: Friday, September 29, 2017 9:34 AM

To: Lyons, Troy <lyons.troy@epa.gov>

Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>

Subject: RE: Time to chat?

Hey guys – looping in our LA, Devin Mogler, who is very familiar with these issues. Would 2 or 2:30 work?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

office
mobile

<image001.png><image002.png><image003.png><image004.png>

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Friday, September 29, 2017 9:31 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Time to chat?

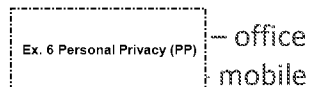
I wanted to send a note to connect us all. Lisa what is the best time for us to call you?

From: Goeas, Lisa (Ernst) [mailto:Lisa_Goeas@ernst.senate.gov]
Sent: Friday, September 29, 2017 8:27 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Time to chat?

Hi Troy – I have time for a call. When were you thinking?

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510



<image001.png><image002.png><image003.png><image004.png>

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Thursday, September 28, 2017 7:39 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Time to chat?

Lisa,

I wanted to follow up on the letter Senators Ernst and Grassley sent the President about the RFS-
-more specifically, the recent Notice of Data Availability. Despite what is being reported the
NODA is an opportunity to seek comment I want to clarify that the purpose of the NODA is to
seek comment on an approach that discounts imports for purposes of setting a domestic
mandate. The NODA is looking for input and not forecasting any specific direction.

Do you have time to discuss further?

Many thanks,

Troy

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 10/13/2017 12:55:15 AM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: Follow Up

No worries!

Sent from my iPhone

On Oct 12, 2017, at 8:33 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Apologies! Meant for joe on house science

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

On Oct 12, 2017, at 7:19 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Hey there – not sure this was intended for me?

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) office
mobile

<image001.png><image002.png><image003.png><image004.png>

From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Thursday, October 12, 2017 7:08 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: Follow Up

Hey, Joe. No update on timing. If we do EPW/energy and commerce this year it would not be until later this year.

How can we be helpful to the chairman until that time?

Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

On Oct 11, 2017, at 4:56 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Hey Troy – she’s on the road with a pretty full schedule. Haven’t been able to talk to her yet...

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) – office
mobile

<image001.png><image002.png><image003.png><image004.png>
>

From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Wednesday, October 11, 2017 4:54 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Follow Up

How did the Senator think the call went with the Administrator?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 10/13/2017 12:54:30 AM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: Follow Up

Thank you!

Sent from my iPhone

On Oct 12, 2017, at 8:34 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Jackson.ryan@epa.gov

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

On Oct 12, 2017, at 7:19 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Troy – can I get Ryan Jackson’s email from you?

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) – office
mobile

<image001.png><image002.png><image003.png><image004.png>

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Troy M. Lyons

Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

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Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) - office
mobile

<image001.png><image002.png><image003.png><image004.png>
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To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Follow Up

How did the Senator think the call went with the Administrator?

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 4/30/2019 9:13:21 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Hey there

Would you have time for a quick call?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) — office
mobile



Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 9/29/2017 3:54:17 PM
To: Dominguez, Alexander [dominguez.alexander@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Subject: RE: Time to chat?

Sounds good.

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

office
mobile



From: Dominguez, Alexander [mailto:dominguez.alexander@epa.gov]
Sent: Friday, September 29, 2017 10:03 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: Time to chat?

Let's go with 2:15 if that works for everyone.

Conference Line Ex. 6 Personal Privacy (PP)
Passcode: Ex. 6 Personal Privacy (PP)

Alex

Alex Dominguez

*Policy Analyst to the Senior Advisors to
the Administrator for Air and Water*
U.S. Environmental Protection Agency

From: Goeas, Lisa (Ernst) [mailto:Lisa_Goeas@ernst.senate.gov]
Sent: Friday, September 29, 2017 9:34 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>;
Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: Time to chat?

Hey guys – looping in our LA, Devin Mogler, who is very familiar with these issues. Would 2 or 2:30 work?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) office
mobile



From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Friday, September 29, 2017 9:31 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Time to chat?

I wanted to send a note to connect us all. Lisa what is the best time for us to call you?

From: Goeas, Lisa (Ernst) [mailto:Lisa_Goeas@ernst.senate.gov]
Sent: Friday, September 29, 2017 8:27 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Time to chat?

Hi Troy – I have time for a call. When were you thinking?

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) office
mobile



From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Thursday, September 28, 2017 7:39 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Time to chat?

Lisa,

I wanted to follow up on the letter Senators Ernst and Grassley sent the President about the RFS--more specifically, the recent Notice of Data Availability. Despite what is being reported the NODA is an opportunity to seek comment. I want to clarify that the purpose of the NODA is to seek comment on an approach that discounts imports for purposes of setting a domestic mandate. The NODA is looking for input and not forecasting any specific direction.

Do you have time to discuss further?

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Sent from my iPhone

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 9/29/2017 3:52:53 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Time to chat?

Ex. 6 Personal Privacy (PP)

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
— mobile



From: Lyons, Troy [mailto:lyons.troy@epa.gov]
Sent: Friday, September 29, 2017 10:54 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: RE: Time to chat?

Lisa—do you have a good number for Jill in Senator Grassley's office?

From: Lyons, Troy
Sent: Friday, September 29, 2017 9:31 AM
To: 'Goeas, Lisa (Ernst)' <Lisa_Goeas@ernst.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Time to chat?

I wanted to send a note to connect us all. Lisa what is the best time for us to call you?

From: Goeas, Lisa (Ernst) [mailto:Lisa_Goeas@ernst.senate.gov]
Sent: Friday, September 29, 2017 8:27 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Time to chat?

Hi Troy — I have time for a call. When were you thinking?

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
mobile



From: Lyons, Troy [<mailto:lyons.troy@epa.gov>]
Sent: Thursday, September 28, 2017 7:39 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Time to chat?

Lisa,

I wanted to follow up on the letter Senators Ernst and Grassley sent the President about the RFS--more specifically, the recent Notice of Data Availability. Despite what is being reported the NODA is an opportunity to seek comment. I want to clarify that the purpose of the NODA is to seek comment on an approach that discounts imports for purposes of setting a domestic mandate. The NODA is looking for input and not forecasting any specific direction.

Do you have time to discuss further?

Many thanks,

Troy

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

(cell)

Sent from my iPhone

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 3/13/2019 4:27:17 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: REG issue at EPA

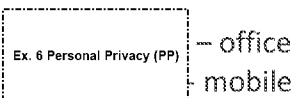
Thanks so much Troy – I think our meeting with them is tomorrow afternoon – so anything you can reveal before then would be great!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
731 Hart Senate Office Building
Washington, DC 20510



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, March 13, 2019 11:04 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: RE: REG issue at EPA

I am sorry it has taken this long. Our air guys says it would be a couple of days. I will light a fire under them to get you an answer.

From: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Sent: Wednesday, March 13, 2019 10:46 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: REG issue at EPA

Hey Troy – just circling back. Any luck?

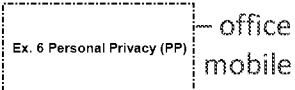
Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)

731 Hart Senate Office Building
Washington, DC 20510



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, March 12, 2019 12:43 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: REG issue at EPA

Absolutely! Hope to have an answer for you in short order

Sent from my iPhone

On Mar 11, 2019, at 5:54 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

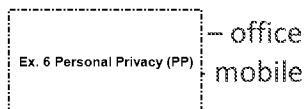
Hey Troy – thanks for always helping us! Hopefully this info will help you track this down. Let me know if I can get you anything else!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
731 Hart Senate Office Building
Washington, DC 20510



<image001.png><image002.png><image003.png><image004.png>

<2019.03.04 REG request to Call Wehrum.docx>

<REG Sept 2018 Letter to Wehrum.pdf>

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 1/9/2019 12:44:30 AM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: RE: RFS

Thank you!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) - office
mobile

-----Original Message-----

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, January 8, 2019 10:26 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: RFS

Absolutely! Please do not hesitate to reach out if you all have any questions or hear any rumblings that give you concern. We will make sure we keep you apprised throughout the process.

-----Original Message-----

From: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Sent: Tuesday, January 8, 2019 10:24 AM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RE: RFS

Troy - thank you so much for reaching out on this - I really appreciate it. Of course, we are concerned about any delays that will negatively impact getting the rvp rule done by the summer. My ask would be that as you keep us as closely apprised of the progress with the rule and let us know at any point if you think we are really off track.

Thanks again for being in touch.

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) - office
mobile

-----Original Message-----

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, January 8, 2019 9:03 AM

To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: RFS

Lisa,

I wanted to reach out regarding the shutdown and potential impacts on issuing regulations—particularly the rvp. There are a lot of media reports swirling around so I wanted to contact you directly.

The shutdown is likely to have some effect on the timing of the Agency's regs but we won't in a position to determine which ones and/or how long until the funding is settled.

Please know that we will do everything it takes to get the rvp rule done by the summer driving season. The Administrator has committed this to Senator Ernst and we we know that this is remains a top priority for Senator Ernst as it is for Administrator Wheeler and President Trump.

I have copied Mandy Gunasekara who is our top political handling the rfs and is an expert on the issue. She can answer any questions you may have.

Please let us know if you would like to discuss further.

Many thanks

Troy

Sent from my iPhone

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 11/15/2018 10:18:23 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: Ocasio-Cortez gets in closed-door fight with veteran lawmaker over climate change

From: POLITICO Pro Energy <politicoemail@politicopro.com>
Sent: Thursday, November 15, 2018 4:56 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Subject: Ocasio-Cortez gets in closed-door fight with veteran lawmaker over climate change

Ocasio-Cortez gets in closed-door fight with veteran lawmaker over climate change

By Anthony Adragna, John Bresnahan and Zack Colman

11/15/2018 04:54 PM EDT

A fight broke out in a closed-door meeting of House Democrats over climate change as a powerful veteran lawmaker fought with freshman star Rep.-elect Alexandra Ocasio-Cortez and other members-elect over the creation of a special panel for the issue.

New Jersey Rep. Frank Pallone, incoming chairman of the powerful Energy and Commerce Committee — backed by a number of other committee members — slammed the creation of the new climate panel, according to multiple sources in the room. Pallone argued that his committee and other existing panels within the House could take on the issue aggressively.

But Ocasio-Cortez (N.Y.), Rep.-elect Joe Neguse (Colo.) and some of the other progressive incoming lawmakers fought back, saying they ran on the issue and needed to do it. Ocasio-Cortez earlier this week pushed for a "Green New Deal" as she backed more than 200 young protesters at House Minority Leader Nancy Pelosi's office.

"We need to act on climate change NOW w/ a *fossil fuel \$-free* Select Committee *with a mandate* to draft a Green New Deal," Ocasio-Cortez tweeted earlier Thursday. "It's our best chance to beat the clock."

Watching it all from the sidelines was Pelosi, who has already called for reinstatement of the select panel that she first set more than a decade ago. Ocasio-Cortez has praised Pelosi for reinstating the special committee, even though she wants it to have far broader authority to craft legislation remaking the U.S. energy grid.

Pallone declined to comment on what happened during the closed-door meeting, but further explained why he opposes the select committee.

"My fear is that if you have a select committee, by the time the select committee gets going, gets appointed and hires staff that it might actually delay what we're doing," the New Jersey Democrat told reporters. "We've got people who are in charge of these committees who are very progressive and I just don't see the need for the select committee. I think it may actually delay what the progressives are trying to achieve."

An Ocasio-Cortez spokesperson declined to comment. "We're not going to comment on the internal discussions of a meeting," Ocasio-Cortez spokesperson Corbin Trent said.

Ocasio-Cortez has become a media sensation since she defeated Rep. Joe Crowley, seen by some as a potential future speaker, in a June primary. She said Thursday that climate change is an "important" factor in her vote for speaker.

Other chairmen-in-waiting, including Natural Resources ranking member Raúl Grijalva (D-Ariz.) and Transportation ranking member Peter DeFazio, have also questioned whether the climate committee is necessary.

"I don't know that we need another panel," DeFazio told POLITICO.

Rep. Alan Lowenthal (D-Calif.) said "a vast majority" of the caucus supports the aims Ocasio-Cortez and her allies laid out, but that it's just a question of whether working through the standard committee structure is more effective.

"I think that it's great that [Ocasio-Cortez] put that down," he told POLITICO. "People appreciate her emphasis on that, but people also believe we have not allowed the committee structure to work in an open and fair way."

To view online:

<https://subscriber.politicopro.com/energy/article/2018/11/ocasio-cortez-gets-in-closed-door-fight-with-veteran-lawmaker-over-climate-change-976915>

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This email was sent to liz_bowman@ernst.senate.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 11/14/2018 6:31:30 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Congratulations

Troy – so nice of you – thank you so much!!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

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mobile



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, November 14, 2018 1:12 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Congratulations

Lisa—what a great day for Team Ernst. Congratulations to you and your team. Senator Ernst will serve her in new leadership role well!

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) } cell)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 6/5/2019 12:38:26 AM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: TML Contact

Thanks so much Troy – and congrats!!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
mobile



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, June 4, 2019 3:55 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: TML Contact

Lisa—please find my personal information below!

Ex. 6 Personal Privacy (PP)

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP)

(cell)

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 12/14/2018 5:08:01 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: Grassley Completes His 2018 Social Media Series #CornWatch

From: Grassley Press <Grassley_Press@grassley.senate.gov>
Sent: Friday, December 14, 2018 12:06 PM
To: Grassley Press <Grassley_Press@grassley.senate.gov>
Subject: Grassley Completes His 2018 Social Media Series #CornWatch

For Immediate Release
Friday, December 14, 2018

Grassley Completes His 2018 Social Media Series #CornWatch

NEW HARTFORD, IOWA – U.S. Sen. Chuck Grassley of Iowa, a family farmer, created a social media series called #CornWatch that gave followers an insider look at farming operations and tracked the progression of the corn crop grown on the Grassley family farm in New Hartford, Iowa from planting through harvest. The series concludes for the year this week.

“Food doesn’t grow in supermarkets. It grows in the fields of Rural America by hardworking, dedicated farmers. The purpose of my #CornWatch series was to highlight how this small percentage of Americans does the work and is dedicated to feeding and also fueling the world.

“In Iowa, agriculture accounts for one out of every five jobs and makes up 33 percent of the state’s economy. However, only two percent of all Americans work directly on farms. The process of seeing a crop through from beginning to end is one that many never have an opportunity to see, including most of my colleagues in Washington. My hope is that everyone was able to learn more about farming through the #CornWatch series and how important it is to the country’s success.”

As one of only two farmers in the Senate and the senior senator of one of the top agricultural states in the country, Grassley has been an outspoken advocate for farmers and Rural America. He has consistently called for a new Farm Bill that would include commonsense reforms to ensure federal assistance only goes to farmers who truly need it instead of millionaire non-farmers gaming the system.

Grassley has also been a proponent of reforms to the Conservation Reserve Program (CRP). The program’s intended purpose is to reduce land erosion, improve water quality and help wildlife populations. However, over the years it has put young and beginning farmers at a competitive disadvantage by allowing some landowners to receive more than \$300 per acre from the federal government to enroll their entire farms in the program.

To see the #CornWatch series in its entirety, click here.

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 2/16/2019 10:38:56 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Introduction

You too!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

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mobile

-----Original Message-----

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Saturday, February 16, 2019 11:35 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: Introduction

That's is very kind of you, Lisa! I think the same of you! Have a great long weekend.

Sent from my iPhone

> On Feb 16, 2019, at 11:30 AM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:
>
> Troy - I really cannot thank you enough for being so responsive and kind. You are in a class of your own!

>
> Hope you have a great weekend...

> Thanks,

> Lisa

> Lisa Goeas
> Chief of Staff

> Office of Senator Joni Ernst (IA)
> 111 Russell Senate Office Building
> Washington, DC 20510

> Ex. 6 Personal Privacy (PP) - office
> mobile

> -----Original Message-----

> From: Lyons, Troy <lyons.troy@epa.gov>
> Sent: Friday, February 15, 2019 6:00 PM
> To: Humphreys, Hayly <humphreys.hayly@epa.gov>
> Cc: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>; Walther, Robert <Robert.Walther@poet.com>
> Subject: Re: Introduction

> Hayly—also, Bill Wehrum should be in the meeting.

> Sent from my iPhone

>> On Feb 15, 2019, at 5:49 PM, Humphreys, Hayly <humphreys.hayly@epa.gov> wrote:
>>

>> Thanks, Troy. Happy to help! Let me check his calendar and will circle back.
>>
>> Have a great weekend all!
>>
>> _____
>> Hayly Humphreys
>> Office of the Administrator
>> U.S. EPA
>>
>> -----Original Message-----
>> From: Lyons, Troy
>> Sent: Friday, February 15, 2019 5:47 PM
>> To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
>> Cc: Walther, Robert <Robert.Walther@poet.com>; Humphreys, Hayly <humphreys.hayly@epa.gov>
>> Subject: Re: Introduction
>>
>> Thanks so much, Lisa!
>>
>> I've included Hayly who will find time to visit w the Administrator.
>>
>> Sent from my iPhone
>>
>>> On Feb 15, 2019, at 2:51 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:
>>>
>>> Hello Rob and Troy - thank you both for your willingness to be on this email together. Hoping you
all can find a time for POET to sit down with Mr. Wheeler.
>>>
>>> Troy - so appreciate your help.
>>>
>>> Thanks,
>>>
>>> Lisa
>>>
>>> Lisa Goeas
>>> Chief of Staff
>>>
>>> Office of Senator Joni Ernst (IA)
>>> 111 Russell Senate Office Building
>>> Washington, DC 20510
>>>
>>>

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>>> mobile
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>>>

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 1/8/2019 2:21:13 PM
To: Lyons, Troy [lyons.troy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
Subject: Thanks!!
Attachments: ATT00001.txt

Liz Bowman
Communications Director
Senator Joni Ernst (IA)
o: 202-224-6314



Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 2/27/2019 8:13:10 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Perdue Comments on E15

Thank you both for responding so quickly!

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Wednesday, February 27, 2019 1:37 PM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Perdue Comments on E15

Hey Meris – Thanks for reaching out. Below is a statement we put out today.

“This is an EPA proposal. EPA is planning on releasing its RVP/RIN market reform proposal in March, and working expeditiously to propose and finalize the rule consistent with the President’s direction before the start of the summer driving season.”

I hope this is helpful. Let us know if you have further questions.

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Sent: Wednesday, February 27, 2019 1:32 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Perdue Comments on E15

Hi Tony –

I have to ask, do you all have a response to Perdue’s comments on the E15 rule not being done for summer driving season and the EPA using “discretionary enforcement?” It’s come up more than once today.

My direct is Ex. 6 Personal Privacy (PP) Also, FYI I think Joni may want to talk to Wheeler to get his take.

Thanks
Meris

Message

From: Daniell, Kelsi (Ernst) [Kelsi_Daniell@ernst.senate.gov]
Sent: 2/27/2019 8:10:05 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: EPA Statement on RVP/RIN market reform proposal timing

Will do

Sent from my iPhone

On Feb 27, 2019, at 2:42 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Just keep us posted

From: Daniell, Kelsi (Ernst) <Kelsi_Daniell@ernst.senate.gov>
Sent: Wednesday, February 27, 2019 2:33 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Re: EPA Statement on RVP/RIN market reform proposal timing

Thank you!

Sent from my iPhone

On Feb 27, 2019, at 2:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

From: EPA Press Office <press=epa.gov@cmail19.com> **On Behalf Of** EPA Press Office
Sent: Wednesday, February 27, 2019 2:05 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: EPA Statement on RVP/RIN market reform proposal timing



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Statement on RVP/RIN market reform proposal

WASHINGTON (February 27, 2019) — Today, the U.S. Environmental Protection Agency (EPA) released the following statement on the Renewable Fuel Standard Reid Vapor Pressure (RVP) / Renewable Identification Number (RIN) market reform proposal:

“EPA is planning on releasing its RVP/RIN market reform proposal in March, and working expeditiously to propose and finalize the rule consistent with the President’s direction before the start of the summer driving season.”

<image001.png>

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 2/27/2019 7:47:40 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Can you call?

Please give me a call as soon as possible!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
731 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
mobile



Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 2/15/2019 10:58:17 PM
To: Humphreys, Hayly [humphreys.hayly@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Walther, Robert [Robert.Walther@poet.com]
Subject: RE: Introduction

I really appreciate this - thank you!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) office
mobile

-----Original Message-----

From: Humphreys, Hayly <humphreys.hayly@epa.gov>
Sent: Friday, February 15, 2019 5:49 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Walther, Robert <Robert.Walther@poet.com>
Subject: RE: Introduction

Thanks, Troy. Happy to help! Let me check his calendar and will circle back.

Have a great weekend all!

Hayly Humphreys
Office of the Administrator
U.S. EPA

-----Original Message-----

From: Lyons, Troy
Sent: Friday, February 15, 2019 5:47 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Walther, Robert <Robert.Walther@poet.com>; Humphreys, Hayly <humphreys.hayly@epa.gov>
Subject: Re: Introduction

Thanks so much, Lisa!

I've included Hayly who will find time to visit w the Administrator.

Sent from my iPhone

> On Feb 15, 2019, at 2:51 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:
>
> Hello Rob and Troy - thank you both for your willingness to be on this email together. Hoping you all
can find a time for POET to sit down with Mr. Wheeler.
>
> Troy - so appreciate your help.
>
> Thanks,
>
> Lisa
>
> Lisa Goeas
> Chief of Staff
>
> Office of Senator Joni Ernst (IA)
> 111 Russell Senate Office Building
> Washington, DC 20510

>
>
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> mobile
>
>
>

Message

From: Daniell, Kelsi (Ernst) [Kelsi_Daniell@ernst.senate.gov]
Sent: 2/27/2019 7:33:07 PM
To: Lyons, Troy [lyons.troy@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: EPA Statement on RVP/RIN market reform proposal timing

Thank you!

Sent from my iPhone

On Feb 27, 2019, at 2:15 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

From: EPA Press Office <press=epa.gov@cmail19.com> **On Behalf Of** EPA Press Office
Sent: Wednesday, February 27, 2019 2:05 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: EPA Statement on RVP/RIN market reform proposal timing



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Statement on RVP/RIN market reform proposal

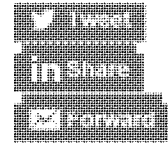
WASHINGTON (February 27, 2019) — Today, the U.S. Environmental Protection Agency (EPA) released the following statement on the Renewable Fuel Standard Reid Vapor Pressure (RVP) / Renewable Identification Number (RIN) market reform proposal:

“EPA is planning on releasing its RVP/RIN market reform proposal in March, and working expeditiously to propose and finalize the rule consistent with the President’s direction before the start of the summer driving season.”

<!--[if !vml]--><image001.png><!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 2/15/2019 7:30:27 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: Hey

Would you have time for a quick call?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
mobile



Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 3/11/2019 9:54:14 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: REG issue at EPA
Attachments: 2019.03.04 REG request to Call Wehrum.docx; REG Sept 2018 Letter to Wehrum.pdf

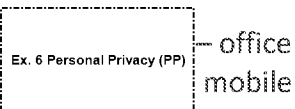
Hey Troy -- thanks for always helping us! Hopefully this info will help you track this down. Let me know if I can get you anything else!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
731 Hart Senate Office Building
Washington, DC 20510



DECISION MEMORANDUM

TO: Lisa
FROM: Meris
DATE: March 6, 2019
RE: REG Request to Call Wehrum on their Behalf

BLUF: REG has asked for Joni to place a call to Bill Wehrum at EPA in order to shake free a proposal that is on his desk for approval of using a waste product (oleo-lipids) as fuel stock. Staff has made multiple inquiries about status, but the issue has not broken free.

BACKGROUND

- REG met with Asst. Administrator Wehrum in Sept. 2018 regarding a request they had submitted to produce renewable diesel from wastes (oleo-lipids) that they generate from already approved – EPA feed stocks at some of their other biodiesel facilities.
 - Simple explanation: They have the ability run waste product through a second refining process to create even more bio-diesel and want EPA to give them the OK.
 - This would increase the efficiency of their refinery model.
- Oleo-lipids are the residual waste leftover from producing biodiesel from already approved fuel stocks.
 - REG has determined that oleo-lipids can be an excellent feedstock for conversion into D4 renewable diesel through another treatment process.
 - Currently oleolipids are being burned as “bunker fuel” (any generic fuel that powers ship engines) in foreign markets for very little value.
- The Question at EPA:
 - REG does not believe this is a new pathway because they are using waste from already approved fuel stocks and processing it further into biodiesel.
 - They are requesting that EPA concur with this thought process and do so formally in writing. If EPA gives the ok, then they don’t have to worry about operations until they are told differently.
 - My understanding is that REG does not want to have to apply for a new pathway approval if it can be avoided.
 - EPA staff seems to be split on what to do.
 - REG has been told that the decision as to whether or not a new pathway application is needed or whether EPA will concur with REG’s belief is on the desk of Wehrum.
 - We have has been told that a new pathway application will be needed and the only thing waiting for signoff is when the notice and rulemaking would occur.
 - EPA has also told me that REG is aware of this, but REG still contends that “their sources” say the option for a simple go ahead approval is still available.
 - There seems to be concern at EPA that if they grant REG’s request that other unapproved feed stocks are also going to try and go around the process and by granted approval rather than going through a rulemaking.
- REGs Goal: They would like a written document that EPA concurs with their analysis from their letter dated Sept. 21, 2018.



Assistant Administrator Bill Wehrum
Office of Air & Radiation
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 7101M
Washington, DC 20460

RE: Meeting with REG on September 21, 2018

Dear Bill,

As promised, this letter is a follow-up regarding our discussion of using biodiesel distillation bottoms (oleolipids) as feedstock material into the renewable diesel hydro-treating process where REG is respectfully asking for your concurrence.

REG's biodiesel plants produce fuel exceeding the ASTM D6751¹ standard from a variety of low-quality fats and oils, which are RFS2 D4 qualifying feedstock. These feedstock include domestically grown crops meeting the definition of *Renewable Biomass*, animal waste and by-products, and food waste such as used cooking oil. We are able to obtain this high purity of fuel by distilling the crude methyl esters into very pure biodiesel. Oleolipids are residual waste *Renewable Biomass* recovered from the bottom of the distillation column after the separation process has been completed. Chemically, oleolipids are comprised of waxes, sterols, unreacted feedstock (including mono-, di-, and triglycerides), long chain (>C18) methyl esters, and other complex molecules naturally occurring in fats and oils. A typical composition of oleolipids are detailed in the table below. Oleolipids are unacceptable as diesel engine fuel.

<u>Constituent</u>	<u>Composition Range</u>	<u>Composition Typical</u>
Fatty Acid Methyl Esters >C18	10-25%	16%
Glyceride Esters of Fatty Acids	15-35%	20%
Unsaponifiable Lipid Material	40-80%	60%
Free Fatty Acids	2-6%	4%
Ash	<1%	<1%

¹ https://www.afdc.energy.gov/fuels/biodiesel_specifications.html

Oleolipids resulting from production of distilled biodiesel can currently be burned as "bunker fuel" in foreign markets for very little value and soon may have zero or negative value, due to their impurity profile. REG has determined that oleolipids can be an excellent feedstock for conversion into D4 Renewable Diesel through hydro-treating. Renewable Diesel yields will be higher than typical triglyceride feedstocks due to relatively lower oxygen content and glycerin content.

EPA previously characterized waste in the following manner:

*"... (3) waste oils/fats/greases ... For the purpose of this rule only, EPA will consider these feedstocks to be "wastes" if they are used as feedstock to produce fuel, but would otherwise normally be discarded or used for another secondary purpose because they are no longer suitable for their original intended use."*²

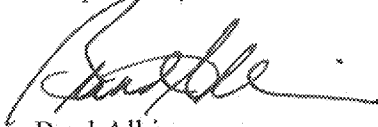
Review of the March 2010 Federal Register indicates that Oleolipids derived from qualifying *Renewable Biomass* and hydro-treated to meet D975 standard Renewable Diesel qualifies for D4 RIN generation under Row F of the look-up table in 40 CFR 80.1426:

- Fuel Type: Renewable Diesel
- Feedstock: Biogenic waste oils, fats, and greases
- Production Process: Hydro-treating

REG expects approximately 8 MMGY of oleolipids from within our own production network to be accessible in the short term. With upgrades at other REG biodiesel facilities we would be able to access an additional 8 MMGY of this waste feedstock.

Again, we fully believe that our fact pattern is consistent with EPA's original interpretation of waste and we are requesting for your department's concurrence of the same.

Respectfully,



Brad Albin
Vice President, Manufacturing

Cc: Ben Hangst
Acting Administrator Andrew Wheeler

² <https://www.gpo.gov/fdsys/pkg/FR-2010-03-26/pdf/2010-3851.pdf> (Page 14794)

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 12/11/2018 7:41:29 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]; Farr, Michael (Ernst) [Michael_Farr@ernst.senate.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Thank You

Thanks, Tony! We will be sure to attribute any photos we use to EPA

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, December 11, 2018 2:11 PM
To: Farr, Michael (Ernst) <Michael_Farr@ernst.senate.gov>; Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Subject: Thank You

Hello Team Ernst – Thank you for your support in pulling off today’s WOTUS event at EPA HQ. We greatly appreciated you help and having your boss speak on this important issue. Here is a link (<https://www.flickr.com/gp/usepagov/1s1H2k>) to the photos our folks captured of the event if you would like to use them with your materials – if you decide to use them please attribute credit to EPA. Thank you again and please don’t hesitate to let us know if anything comes up where we can be helpful. Have a great day!

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

Message

From: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Sent: 2/4/2019 8:00:44 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Ernst Follow-up
Attachments: Wehrum Letter 10092018.pdf

Hi Mandy --

Just wanted to follow-up with some more info on the first of REG's questions from below. You had asked if there was a way to identify the application to determine the status. No application has been submitted. REG has met with Bill Wehrum and Ben Hengst to talk about the issue on more than one occasion. REG does not believe this is a new pathway because they are using waste from approved fuel stocks, which is why they have not applied. I'm also told they would not be buying anything externally, just taking waste from their own facilities and further refining it into biofuel. According to the follow-up letter attached, they believe their process is consistent with EPA's interpretation of waste and are requesting for the department's concurrence so they can move forward. Is this something you all are looking into? What next steps do they need to take?

Best,
Meris

Meris Petek
Policy Advisor
Senator Joni Ernst (IA)

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, January 15, 2019 10:18 AM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Ernst Follow-up

Let's use this line: Call in: Ex. 6 Personal Privacy (PP) Conference ID: Ex. 6 Personal Privacy (PP) I'm not sure if we will all be in the same location this afternoon. Thanks

Tony

On Jan 15, 2019, at 10:00 AM, Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov> wrote:

Yep, that works great. My direct is 202-224-0053 or let me know what number is best to reach you all.

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, January 15, 2019 9:41 AM
To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>
Subject: Re: Ernst Follow-up

Thanks Meris — Do you have time for a brief call at 330?

Tony

On Jan 14, 2019, at 1:22 PM, Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov> wrote:

Thanks Tony, its helpful understanding the criteria. The one follow-up I have is what happens when the EPA gets the recommendation for hardship from DOE. Is the waiver automatically granted or do you all have some leeway and making the determination? Is it possible to grant partial waivers?

Biodiesel question:

I also have one other issue that has come up over the weekend. She would not bring this up during the hearing but hoping you can tell me who would be best to talk to. Iowa also produces a lot of biodiesel and I'm told they (or at least REG) have been in contact with you about this but we're hoping to get some clarifications on what is happening.

- They would like to have the ability to produce renewable diesel from the wastes (oleo-lipids) that they generate from approved-EPA feedstocks at several of their biodiesel production facilities. It looks like they met with Wehrun back in September and have done some follow-up, a background letter is attached. My understanding is that they are waiting for some sort of Ok/approval from you all to move forward, any updates?
- The second item, REG has been working on since 2014, involves making some process changes at their Mason City plant that would allow them to produce biodiesel using the process called esterification. They had said that they asked the agency numerous times to issue a determination letter giving them the OK to do this instead of going through the long, drawn out and delated pathway petition route because they have shown that this is very similar to previously approved processes. Any updates I can give them?

I know this is a lot, but I wanted to get it on your radar since she will be asked for updates when she sees them next.

Thanks!
Meris

From: Frye, Tony (Robert) <frye.robert@epa.gov>

Sent: Thursday, January 10, 2019 5:33 PM

To: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>

Cc: Palich, Christian <palich.christian@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>

Subject: RE: Ernst Follow-up

Hey Meris – Thanks for the note and taking the time to chat. Here is the link to the DOE studies regarding the Small Refinery

Exemption: <https://www.epa.gov/renewable-fuel-standard-program/small-refinery-exemption-studies-department-energy>. Specifically, tables 10 and 11 detail the criteria for analyzing conditions likely to lead to disproportionate economic hardship, which can be found on pages 31 to 37.

Please don't hesitate to let us know if you have any further questions. Have a great day!

Best,
Tony

Tony Frye
Special Advisor
Office of Congressional Affairs
Environmental Protection Agency
Cell: Ex. 6 Personal Privacy (PP)

From: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Sent: Thursday, January 10, 2019 3:46 PM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Ernst Follow-up

Hi Tony –

Great seeing you all again. I just wanted to follow-up to clarify on the waiver questions that Sen. Ernst asked. She was specifically referencing the last 7 pending petitions from 2017 that are currently up on the dashboard. She has been told that the waivers have been granted but that the dashboard hasn't been updated. If you all could give some insight into the status and what is happening that would be great.

Also during the meeting it was said that if DOE says so, that EPA has no choice but to approve the waiver. Can you give some more details about the process and the role that both EPA and DOE play?

Compliance Year	Number of Petitions Received	Number of Grants Issued	Number of Denials Issued	Number of Petitions Declared Ineligible or Withdrawn	Number of Pending Petitions
2013	16	8	7	1	
2014	13	8	5	0	
2015	14	7	6	1	
2016	20	19	0	0	
2017	37	29	0	1	
2018	22	0	0	0	

Thanks again for setting up the meeting! Let me know if you have any questions, my direct is Ex. 6 Personal Privacy (PP)

Best,
Meris

Meris Petek
Policy Advisor

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510
(202) 224-3254

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<Wehrum Letter 10092018.pdf>

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 7/25/2018 7:29:34 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: EPA Iowa Visit

Hey Troy – thanks for trying to accommodate all of the Iowa delegation. For what it's worth – I don't think Aug 9 is any better. If the 8th in the am is best for everyone else, we're fine with that.

Thanks again,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) – office
mobile



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, July 25, 2018 12:34 PM
To: Kozeny, Jill (Grassley) <Jill_Kozeny@grassley.senate.gov>; Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>; jacob.olson@mail.house.gov; john.ferland@mail.house.gov; stephanie.groen@iowa.gov
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>
Subject: EPA Iowa Visit
Importance: High

Team Iowa—

We look forward to a productive visit to Iowa to visit with Iowa farmers and to be responsive to your July 16th letter. As you know, the tentative date is August 8th.

Visiting the state is a priority of Administrator Wheeler; however, we are receiving conflicting messages about the location of a potential visit based on the various schedules. Based on the feedback and availability we initially received, we were planning to visit the Cedar Rapids area but understand this is no longer the delegation's wish. I am putting everyone on one note so we can ensure we can better coordinate the visit.

We look forward to working with all of the offices to visit with your boss' and their constituents.

Many thanks,

Troy

Troy M. Lyons

Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) (cell)

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 5/7/2019 10:45:47 PM
To: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Poet - Senator Ernst

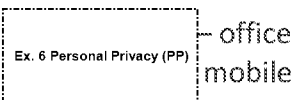
Thanks Tony

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510



From: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Sent: Tuesday, May 7, 2019 5:17 PM
To: 'Frye, Tony (Robert)' <frye.robert@epa.gov>; Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>
Subject: RE: Poet - Senator Ernst

Thanks Tony

From: Frye, Tony (Robert) <frye.robert@epa.gov>
Sent: Tuesday, May 7, 2019 5:07 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Cc: Lyons, Troy <lyons.troy@epa.gov>; Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>
Subject: Re: Poet - Senator Ernst

Hello All — the package has been signed and transmitted. Let us know if anything comes up.

Best,

Tony

On May 7, 2019, at 11:10 AM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Fantastic — thank you Troy! Really appreciate it...

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

office
mobile

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From: Lyons, Troy <lyons.troy@epa.gov>

Sent: Tuesday, May 7, 2019 10:12 AM

To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>

Cc: Petek, Meris (Ernst) <Meris_Petek@ernst.senate.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>

Subject: RE: Poet - Senator Ernst

Being signed this morning and shipped out! I will let you know once it has been transmitted.

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 5/7/2019 12:53:57 AM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Poet - Senator Ernst

Thank you, sir

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office
mobile



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Monday, May 6, 2019 8:47 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: Poet - Senator Ernst

Checking for you

Sent from my iPhone

On May 6, 2019, at 5:46 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

Hi Troy! Just wondering if the Poet letter went out?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP)

— office

<image001.png><image002.png><image003.png><image004.png>

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, April 30, 2019 9:16 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: Poet - Senator Ernst

Any time!

Sent from my iPhone

On Apr 30, 2019, at 8:43 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

You are so terrific! I will see if that's good for the Senator.

Thank you Troy

Sent from my iPhone

On Apr 30, 2019, at 5:55 PM, Lyons, Troy <lyons.troy@epa.gov> wrote:

Lisa—I have heard from the Air office that the response will be going out no later than Monday. Does that suffice or would the Senator still like to speak with Bill?

From: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Sent: Tuesday, April 30, 2019 5:41 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Subject: Poet - Senator Ernst

Troy – as always, thank you so much! If it's not a call with Bill – an answer from anyone would be helpful.

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) – office
mobile

<image001.png><image002.png><image003.png><image004.png>
>

- Poet met with Administrator Wheeler on March 13th, at which time Wheeler promised that they would be receiving a letter that spells out exactly what information they need to provide and the steps that need to be taken in order for the EPA to move forward and make a decision on the corn kernel fiber pathway application they submitted 2 years ago.
- After hearing Poet still had not received their letter, JKE asked to meet with Wehrum for an update. On April 10th, Wehrum told JKE that he had seen a draft of the letter and thought it would go out in "a few days" then later he clarified and said "a week at most."
- We are now 3 weeks down the road and still no letter. Staff has not been able to get any update on the timeline beyond confirmation that it hasn't been sent.

Background:

Poet's Pending Corn Fiber Application

- Corn kernel fiber was considered a cellulosic material at the onset of the RFS
- 2 years ago, Poet submitted a pathway application to get D3 RIN certification for their process.
- EPA continues to move the goal posts, telling them what they need to do to get signoff and then later telling them they have to do even more.
 - Wehrum needs to provide and update on timeline and process and explain why things appear to keep changing
- At a recent meeting, Wheeler committed to sending a letter detailing exactly what Poet needs to get done in order to comply.
- What this means for Poet: currently they are producing 60m gallons that could be classified as D3 RINS but instead these gallons are counting as D6 conventional corn ethanol.

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 1/9/2019 6:29:14 PM
To: Jackson, Ryan [jackson.ryan@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: Trump formally nominates Wheeler to deregulate at EPA

Nice article; nice work!

From: POLITICO Pro <politicoemail@politicopro.com>
Sent: Wednesday, January 9, 2019 1:00 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Subject: Trump formally nominates Wheeler to deregulate at EPA

By Alex Guillén

01/09/2019 12:58 PM EDT

President Donald Trump has formally nominated Andrew Wheeler to be EPA administrator, cementing the no-nonsense former attorney as his pick to carry out his deregulatory agenda, the White House announced today.

The nomination was expected after Trump announced his intention in November.

Democrats are likely to attack Wheeler for his aggressive efforts to undo Obama-era environmental regulations. Although EPA was already working on rolling back rules when he arrived last spring, since his ascension to acting administrator Wheeler has released proposals scaling back climate rules and mercury limits for coal-fired power plants, emissions standards for cars and trucks, and guidelines for which waterways are subject to federal regulations.

But his scandal-free tenure atop EPA will deprive Democrats of many of the same sort of ethics complaints they made against his predecessor, Scott Pruitt. Wheeler is all but guaranteed to have the votes to pass. All Senate Republicans voted to confirm him as deputy, as did Sen. Joe Manchin (D-W. Va.).

It is unclear how long it will take to confirm him. Wheeler is already running EPA in an acting capacity, and the Senate is dealing with an ongoing shutdown and the need to fill other high-profile positions atop the Departments of Defense, Justice and Interior.

WHAT'S NEXT: The Senate Environment and Public Works Committee will hold a hearing with Wheeler before advancing his nomination.

To view online:

<https://subscriber.politicopro.com/energy/whiteboard/2019/01/trump-formally-nominates-wheeler-to-deregulate-at-epa-2460964>

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Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 5/21/2019 2:33:59 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: RE: RE: RE:

10:00?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) - office
mobile

-----Original Message-----

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, May 21, 2019 10:17 AM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: Re: RE: RE: RE:

Perfect!

Sent from my iPhone

> On May 21, 2019, at 10:15 AM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

>

> Oh rats - I'm out Thurs and Fri! Maybe the morning of June 4?

>

> Thanks,

>

> Lisa

>

> Lisa Goeas

> Chief of Staff

>

> Office of Senator Joni Ernst (IA)

> 730 Hart Senate Office Building

> Washington, DC 20510

>

> Ex. 6 Personal Privacy (PP) office
mobile

>

>

>

>

> -----Original Message-----

> From: Lyons, Troy <lyons.troy@epa.gov>

> Sent: Monday, May 20, 2019 9:40 PM

> To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>

> Subject: Re: RE: RE: RE:

>

> That works! I'm out Monday-Wednesday. How's next Thursday?

>

> Sent from my iPhone

>

>> On May 20, 2019, at 9:26 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:

>>

>> Hey Troy - wondering if we could shoot for next week, during recess?

>>

>> Thanks,

>>

>> Lisa
>>
>> Lisa Goeas
>> Chief of Staff
>>
>> Office of Senator Joni Ernst (IA)
>> 730 Hart Senate Office Building
>> Washington, DC 20510
>>
>> Ex. 6 Personal Privacy (PP) - office
>> mobile
>>
>>
>> -----Original Message-----
>> From: Lyons, Troy <lyons.troy@epa.gov>
>> Sent: Wednesday, May 15, 2019 7:41 PM
>> To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
>> Subject: Re: RE:
>>
>> Perfect! Let me know what works for you. I can meet you at cups unless you have another place in mind
>>
>> Sent from my iPhone
>>
>>> On May 15, 2019, at 7:26 PM, Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov> wrote:
>>>
>>> Yes! Coffee the morning of the 21st?
>>>
>>> Thanks,
>>>
>>> Lisa
>>>
>>> Lisa Goeas
>>> Chief of Staff
>>>
>>> Office of Senator Joni Ernst (IA)
>>> 730 Hart Senate Office Building
>>> Washington, DC 20510
>>>
>>> Ex. 6 Personal Privacy (PP) - office
>>> mobile
>>>
>>>
>>>
>>> -----Original Message-----
>>> From: Lyons, Troy <lyons.troy@epa.gov>
>>> Sent: Wednesday, May 15, 2019 7:20 PM
>>> To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
>>> Subject:
>>>
>>> Do you have time to grab coffee or lunch next week?
>>>
>>> Sent from my iPhone

Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 8/2/2018 10:12:05 PM
To: Kozeny, Jill (Grassley) [Jill_Kozeny@grassley.senate.gov]
CC: Lyons, Troy [lyons.troy@epa.gov]
Subject: Re: breakfast

So sorry I didn't think of this!

Sent from my iPhone

On Aug 2, 2018, at 5:32 PM, Kozeny, Jill (Grassley) <Jill_Kozeny@grassley.senate.gov> wrote:

Hi, Troy. Thanks for your time and the conversation this morning. Let's definitely keep in touch. I've included Lisa on this message so that you may send payment for the two breakfasts to her. I think there was a \$10 #1, and that your oatmeal is a bargain at \$3, plus coffee.

Jill Kozeny
Chief of Staff
U.S. Senator Chuck Grassley

Ex. 6 Personal Privacy (PP)

jill_kozeny@grassley.senate.gov

Message

From: Beecher, Josie (Ernst) [Josie_Beecher@ernst.senate.gov]
Sent: 5/16/2019 12:34:53 PM
To: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]; Lyons, Troy [lyons.troy@epa.gov]
CC: Petek, Meris (Ernst) [Meris_Petek@ernst.senate.gov]
Subject: RE:
Attachments: 5.31.19 Elite Octane Grand Opening.pdf

Hi Troy-
I've attached the invite here...the POC is Nick Bowdish, and he can be reached at
nick@nbowdishcompany.com or on his cell at Ex. 6 Personal Privacy (PP)
Please let me know if we can do anything else to assist you!
Best-
Josie

-----Original Message-----

From: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Sent: Wednesday, May 15, 2019 7:19 PM
To: 'Lyons, Troy' <lyons.troy@epa.gov>
Cc: Beecher, Josie (Ernst) <Josie_Beecher@ernst.senate.gov>; Petek, Meris (Ernst)
<Meris_Petek@ernst.senate.gov>
Subject: RE:

Hey Troy - you were on my list to follow up with. I'm including Josie, our scheduler, who I think might have the info, and Meris - our ag policy expert.

Appreciate the call with your boss today!

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
730 Hart Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) - office
mobile

-----Original Message-----

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Wednesday, May 15, 2019 6:25 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject:

Do you mind sending me the details for the grand opening for the plant? The administrator wants to try to make it work. I'd also like to share it w the White House.

Sent from my iPhone



You're Invited!



ELITE OCTANE

FRIDAY, MAY 31st, 2019

60502 Glacier Road, Atlantic, IA 50022

- **10:00** – Tours

- **11:00** – Lunch

- **12:00** – Program

- **1:30** – Farewell



ELITEOCTANE

GRAND OPENING CELEBRATION

712.254.9850

www.eliteoctane.net

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 8/1/2018 8:05:07 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: FW: Google Alert - "Joni Ernst"

YAY!!!! NICE WORK!!!!

From: Google Alerts <googlealerts-noreply@google.com>
Sent: Wednesday, August 1, 2018 3:37 PM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Subject: Google Alert - "Joni Ernst"



"Joni Ernst"

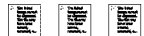
As-it-happens update · August 1, 2018

NEWS

EPA acting chief starts new relationship between Capitol Hill and his agency
CNN

... Jersey Democrat Cory Booker, who pressed Wheeler on "the scaling back of our bipartisan chemical safety law," and Iowa Republican **Joni Ernst**, ...

Senators use hearing to press Wheeler on biofuels issues - Agri-Pulse
Full Coverage



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Message

From: Goeas, Lisa (Ernst) [Lisa_Goeas@ernst.senate.gov]
Sent: 8/15/2018 2:11:28 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: IA

Hey Troy! So glad to hear it went well – that's great! Thanks to you all for going into Iowa. There's really no way to go to the fair and NOT eat fried food. ☺

Also while I have you – any word on this impending "deal" on E15, transparency, RIN Cap, etc.?

Thanks,

Lisa

Lisa Goeas
Chief of Staff

Office of Senator Joni Ernst (IA)
111 Russell Senate Office Building
Washington, DC 20510

Ex. 6 Personal Privacy (PP) { office
mobile



From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Tuesday, August 14, 2018 3:28 PM
To: Goeas, Lisa (Ernst) <Lisa_Goeas@ernst.senate.gov>
Subject: IA

We had a great visit at the state fair yesterday with Gov. Reynolds. I ate way too much fried food—but it was good! There were a lot of great discussions with representatives from the Iowa AG community. The Administrator looks forward to coming back at a time that works for Senator Ernst.

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency

Ex. 6 Personal Privacy (PP) { cell)

Message

From: Bowman, Liz (Ernst) [Liz_Bowman@ernst.senate.gov]
Sent: 5/21/2018 1:39:47 PM
To: Lyons, Troy [lyons.troy@epa.gov]
Subject: RE: Good luck today!

Thank you! Just got my email up and running!

From: Lyons, Troy <lyons.troy@epa.gov>
Sent: Monday, May 21, 2018 9:13 AM
To: Bowman, Liz (Ernst) <Liz_Bowman@ernst.senate.gov>
Subject: Good luck today!

Troy M. Lyons
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
Ex. 6 Personal Privacy (PP) cell)

Appointment

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 5/12/2017 8:35:05 PM
To: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]; Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]; Groen, Stephanie [stephanie.groen@iowa.gov]; Palich, Christian [palich.christian@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]

Subject: Corn Oil RIN Discussion

Location: SR-111

Start: 5/19/2017 7:30:00 PM

End: 5/19/2017 8:00:00 PM

Show Time As: Busy

Recurrence: (none)

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 5/18/2017 4:29:41 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Iowa Grant FYI

Good stuff – thanks man. See you tomorrow!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, May 18, 2017 11:50 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: Iowa Grant FYI

Hi Devin & Andrea,

I wanted to give you the heads up on a grant award coming to Iowa. Have a great day!

\$340,231.00 Iowa Department of Natural Resources -Iowa 2017 - 2018 128(a) State Response Program

This project provides funding for the Iowa Department of Natural Resources response program that includes enhancement of timely survey and inventory of brownfield sites; oversight and enforcement authorities to ensure that response actions protect human health and the environment; resources to provide meaningful public involvement; and mechanisms for approval of cleanup plans and verification of completed response actions.

Grant #: 98736706-1

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
O: 202.564.4944

C: Ex. 6 Personal Privacy (PP)

E: Palich.Christian@epa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 6/29/2017 8:38:48 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: FW: Supporting materials for Corn Oil One meeting on 21 June.
Attachments: Corn Oil One meeting with EPA Legislative Liaison.pptx; BobRileyErnstGrassley41017ltrhd.pdf; Grassley.Letter.CornOil1.final.pdf

Tate and Christian – one more quick one from prior to the meeting. Information sent to Alex alluding to the rule with supporting documentation.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Robert Riley [mailto:rgrileyjr@feedenergy.com]
Sent: Thursday, June 29, 2017 4:28 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: FW: Supporting materials for Corn Oil One meeting on 21 June.

June 15 email to Alex in preparation for the meeting

Robert G. Riley, Jr
Riley Resource Group
4400 E. University Ave.
Pleasant Hill, Iowa 50327

Ex. 6 Personal Privacy (PP) (O)
(C)

rgrileyjr@rileyresourcegroup.com
www.RileyResourceGroup.com

Effective and efficient. The latter is useless if the former is lacking.

From: Robert Riley
Sent: Thursday, June 15, 2017 5:24 PM
To: 'dominguez.alexander@epa.gov' <dominguez.alexander@epa.gov>
Cc: Joseph Riley - Cornoil1 <jpriley@cornoilone.com>; 'Kovarik, Kurt (Grassley)' <Kurt_Kovarik@grassley.senate.gov>
Subject: Supporting materials for Corn Oil One meeting on 21 June.

Alex:

In one of the emails from you, a request was made for some supporting materials.

I am attaching:

Power Point "Pathways for Vegetable Oils to Biodiesel" (Corn Oil 1 meeting with EPA...)
Letter of support, with various signatories, including the Governor of Iowa, Iowa Corn Growers and Iowa Farm Bureau. (Grassley.Letter.Corn Oil1...)
Letter of support from Debi Durham, Iowa Economic Development Authority, to Senator Joni Ernst. (Bob Riley Ernst Grassley...)

Overview of the issue:

- We need help from this administration to correct the wrong conclusions of the past administration
- In 2015 EPA has indicated that CO1 is a bio-intermediary
- We believe this is an erroneous conclusion – we have legal and industry opinions supporting CO1 as well as scientific data backing us up
- EPA indicated for more than 2 years that a rule would be forthcoming to give bio intermediaries access to the market- no viable market access has materialized
- Other industries/feedstocks are operating in precisely the same manner as CO1 and are given access to the market
- We need help from the Trump administration to correct the wrong conclusions of the Obama administration

If you need any more information, please let me know.
Thank you in advance for your time and attention.

Robert G. Riley, Jr.
Chairman
Riley Resource Group
4400 E. University Ave.
Pleasant Hill, Iowa 50327
rgrileyjr@rileyresourcegroup.com
www.rileyresourcegroup.com

Ex. 6 Personal Privacy (PP)

(O)
(C)
(F)

nondum metam ("not yet at my goal")

Without faith, we wouldn't drink the water.

I arise in the morning torn between a desire to save the world and a desire to savor the world. That makes it hard to plan the day. E.B. White

"The test of our progress is not whether we add to the abundance of those who have much, it is whether we provide enough for those who have too little." Franklin D. Roosevelt

"Currently," said Sweidan, "there are a herd of environmental **black elephants** gathering out there" — global warming, deforestation, ocean acidification, mass extinction and massive fresh water pollution. "When they hit, we'll claim they were black swans no one could have predicted, but, in fact, they are **black elephants**, very visible right now."

—Thomas L. Friedman, "[Stampeding Black Elephants](#)"

'I beseech you, in the bowels of Christ, think it possible you may be mistaken.'¹ Oliver Cromwell

'One always can be mistaken, but one sometimes is not.'¹ Richard Robinson

April 10, 2017

The Honorable Charles E. Grassley
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Joni K. Ernst
111 Russell Senate Office Building
Washington, D.C. 20510

Re: Corn Oil 1 bio-intermediary designation by EPA

Dear Senators Grassley and Ernst:

As an organization involved in promoting the biofuels industry in Iowa, we are asking for your help with an issue that an Iowa company is experiencing, due to what appears to be a misunderstanding or mischaracterization by the EPA.

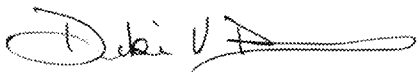
Corn Oil 1 is a company that started in 2014 with a goal to refine Distillers Corn Oil (DCO) effectively and efficiently, making it one of the preferred feedstock sources in the biodiesel industry. Because of a rule made by EPA that classifies Corn Oil 1 as a "bio-intermediary" instead of vegetable oil, the product is not on a level playing field with other vegetable oils, keeping it out of the market and making it unable to compete in the RFS.

To summarize, this is the issue:

- 1) EPA arbitrarily classified Corn Oil 1 as a bio-intermediary, shutting them out of the RFS2 biodiesel market. This has harmed Corn Oil 1 substantially, and has hurt the biodiesel and ethanol industries.
- 2) By making up this "distinction without a difference," EPA has denied Corn Oil 1 (and hundreds of upstream ethanol plants) access to an expanded marketplace, while other vegetable oil sectors, following an identical pathway, have access to freely trade in this market.
- 3) Corn Oil 1 needs to be positively accepted as Non Food Grade Corn Oil (NFGCO) and eligible for the NFGCO Pathway by the EPA, as other vegetable oils are under the original RFS2 designation. Without this, Corn Oil 1, and the industries it serves, will be irreparably damaged.

On behalf of the biofuels industry in Iowa, we respectfully request your assistance in reviewing this matter with the EPA.

Sincerely,



Debi Durham
Director

Corn Oil One meeting with EPA Legislative Liaison

Joe and Bob Riley

June 21, 2017

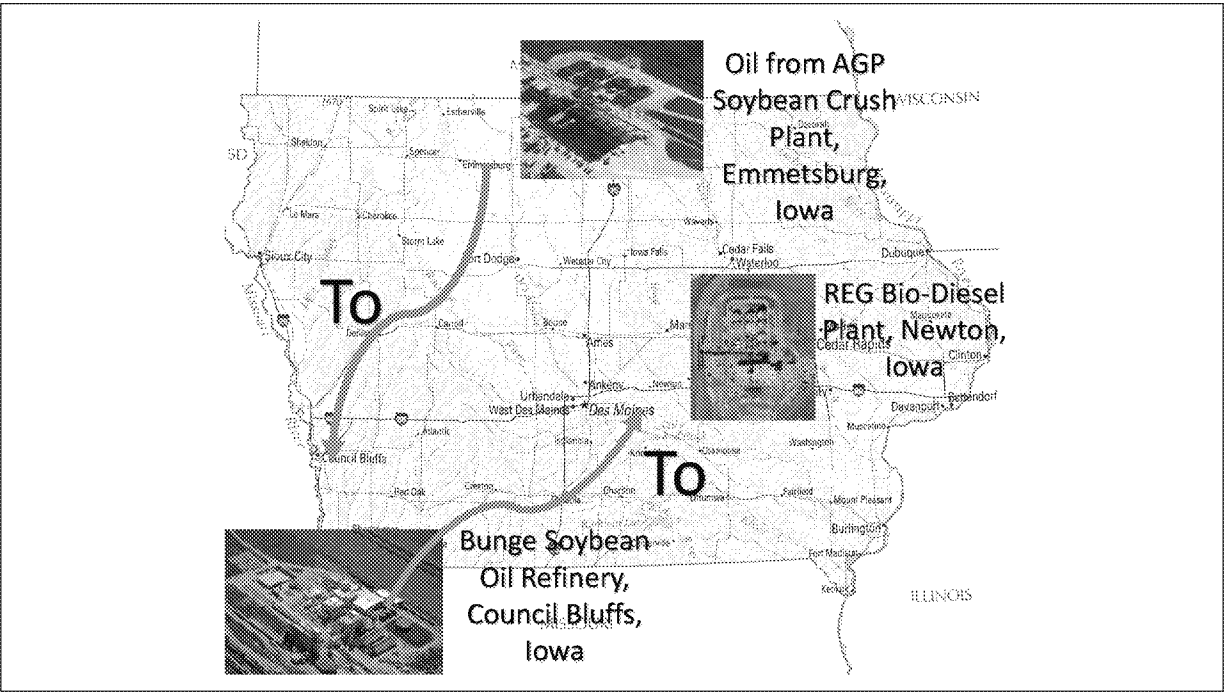
Pathways for Vegetable Oils for Bio-Diesel

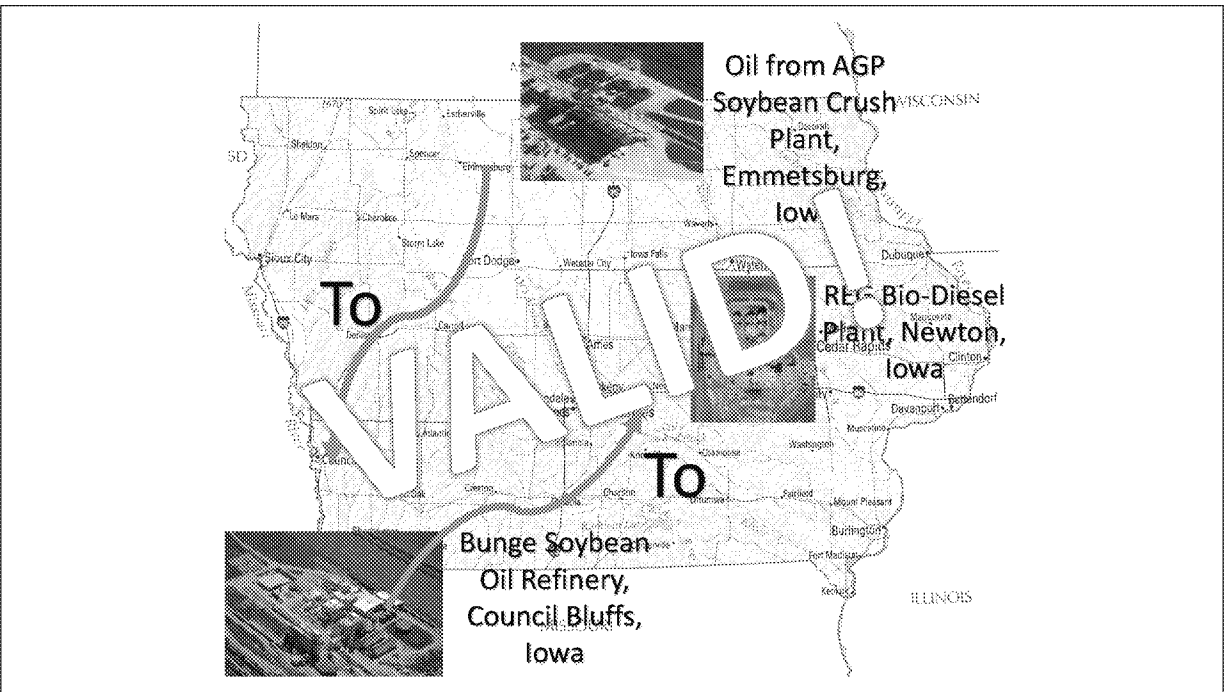
Refined Soy Oil is unimpeded to operate

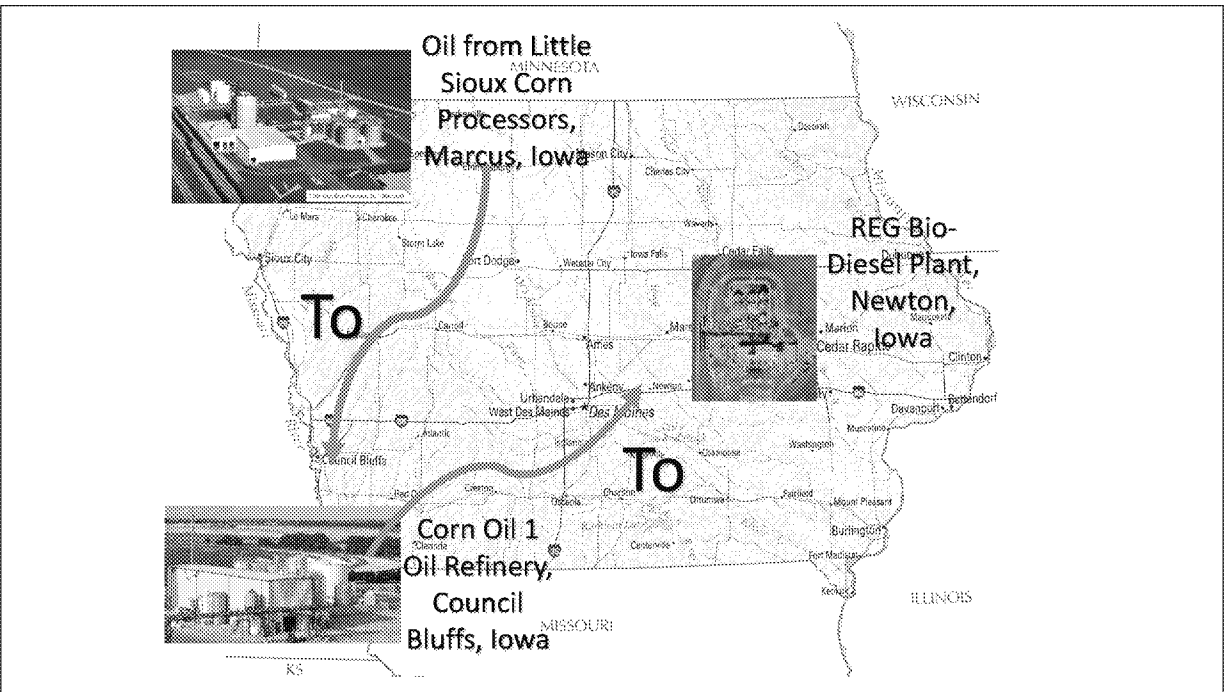
- Soybean Crush – Soy Oil to Soy Oil Refinery to Bio-Diesel Plant

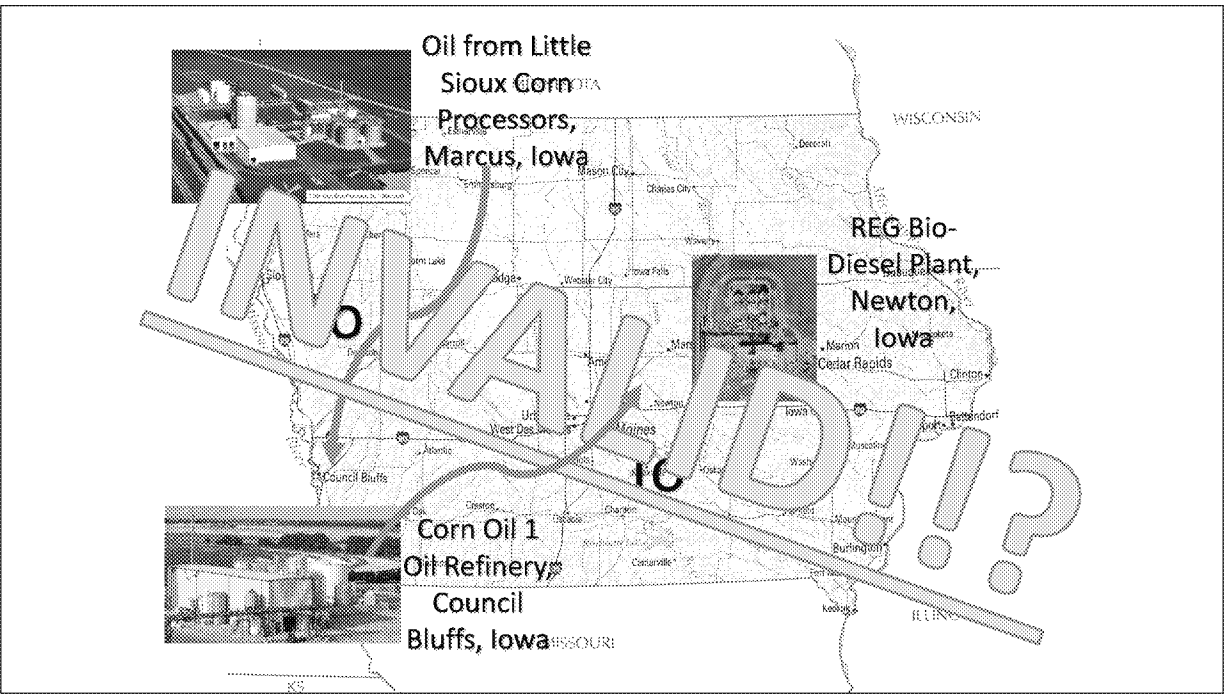
Refined NFGCO is Impeded by EPA to operate

- Ethanol Corn Crush – Corn Oil to Corn Oil Refinery to Bio-Diesel Plant









Corn Oil 1, co-located at the Southwest Iowa Renewable Energy (SIRE) ethanol plant in Council Bluffs, is a technology, and a company, invented, built and owned by Iowans to add value to Iowa farmers, and add value to the ethanol and biodiesel industries. We can refine distiller's corn oil produced from Iowa's ethanol plants.

Our Corn Oil 1 plant was built and ready to run in February of 2015, when the EPA arbitrarily applied a term (bio-intermediary) and put us into that category, shutting off access to the biodiesel industry as specified in the RFS2. This has cost us millions of dollars, and might be the death of our company. The maddening part of our Corn Oil 1 – EPA situation is that the material flow and processing steps are exactly the same as the Soy oil industry, and they are free to participate in this market, under the same RFS2 rules!

- EPA arbitrarily classified Corn Oil 1 as a bio-intermediary, shutting us out of the RFS2 bio-diesel market. This has harmed Corn Oil 1 substantially, and has hurt the biodiesel and ethanol industry.
- By making up this “distinction without a difference,” EPA has denied Corn Oil 1 access to the marketplace, while the other vegetable oil sectors, following an identical pathway, have access to freely trade in this market.
- Corn Oil 1 needs to be immediately certified by the EPA as a qualified supplier, the same as other vegetable oils, under the original RFS2 designation. Without this, Corn Oil 1, and the industries it serves, will be irreparably damaged

Thank you

- Bob Riley

- Ex. 6 Personal Privacy (PP)

- rgrileyjr@feedenergy.com

- Joe Riley

- Ex. 6 Personal Privacy (PP)

- jpriley@cornoilone.com

April 11, 2017

Dear Senator Grassley and Ernst:

As organizations interested and involved in the renewable fuels industry in Iowa, we are asking for your assistance to correct a regulatory decision that is being applied unfairly and in turn is harming numerous Iowa companies.

As you know, distillers corn oil (DCO) is an increasingly important co-product for ethanol producers and a quickly growing feedstock for biodiesel producers. However, an unnecessary and counter-productive regulatory interpretation is dramatically reducing the marketability of DCO. Just like soybean oil and animal fats, DCO requires some pretreatment prior to its use as a biodiesel feedstock. The Environmental Protection Agency (EPA) has interpreted that performing the “clean-up” process at one facility disqualifies that DCO as a renewable biomass feedstock for conversion to biodiesel at another facility under the Renewable Fuel Standard (RFS). This designation being applied only to DCO is not justified as the resulting product is simply a commodity, just as refined bleach (RB) soybean oil or choice white grease (CWG).

A perfect example of this is the Corn Oil 1 facility near Council Bluffs. The facility is capable of “cleaning-up” DCO so that it can go directly into biodiesel production. If this pretreatment occurred at the biodiesel production facility (necessitating millions of dollars of investment in equipment) the EPA allows the use of the DCO as a biodiesel feedstock. But if the same process occurs at Corn Oil 1 (where the investment in equipment can be utilized for DCO from multiple ethanol plants to supply “cleaned-up” DCO to multiple biodiesel plants), then the DCO is not currently allowed for use to produce biodiesel under the RFS. The disparate outcome of the same process simply based on location is both unnecessary and unfair. It has been devastating to Corn Oil 1 and has harmed the ethanol and biodiesel plants that have intended to make use of the innovative facility.

We request an immediate solution to this situation before more harm is incurred by Corn Oil 1 and dozens of ethanol and biodiesel plants. The solution is for the EPA to recognize that “cleaning-up” DCO is no different than a renderer preparing CWG for the market or a soybean refiner supplying RB soybean oil to a biodiesel plant. All of these products should be considered renewable biomass under the RFS. We are also concerned that EPA may try to address this problem by designating all of these products as bio-intermediates, which would cause more confusion, paperwork and unnecessary expense.

Any economically viable processes for preparing the feedstocks for use as a biofuel feedstock would utilize an inconsequential amount of energy in terms of the ultimate biofuel meeting the RFS threshold for advanced biofuels. Any further disruption of these feedstocks for use in biofuels production would have a devastating impact on the RFS. In 2016, soybean oil accounted for 66 percent of Iowa biodiesel production, while animal fats and corn oil accounted for 14 and 10 percent respectively.

We respectfully ask for your help with the EPA so that they understand the market realities of these feedstocks and to encourage them to fix this regulatory overreach expeditiously.

Sincerely,

Golden Grain Energy
Greater Des Moines Partnership
Green Plains, Inc.
Iowa Biotech Association
Iowa Corn Growers Association
Iowa Farm Bureau Federation
Lakeview Plymouth Energy
Lincolnway Energy
Little Sioux Corn Processors
Pine Lake Corn Processors
Prairie Feed and Trucking
Quad County Corn Processors
Siouxland Energy Coop
Western Dubuque Biodiesel
Western Iowa Energy

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 6/29/2017 8:37:43 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]; Palich, Christian [palich.christian@epa.gov]
Subject: FW: Corn Oil One Follow Up
Attachments: Corn Oil 1 Comments_02-16-17_final submission.pdf

Tate and Christian,

Thank you so much for taking the time to call this morning to bring me up to speed on the situation. I wanted to share this message below that Joseph Riley sent last week, within an hour of our meeting, recapping the conversation, and including the reference to the REGS rule and their comments on it.

I see now that it only went to Alex and the two of you weren't included – I should have caught that and forwarded it, but I'm sure you're inundated with messages as it is. I understand how things get lost in the shuffle, and I just want to clarify that I don't believe anyone on our end was being disingenuous.

We have a conf. call set up with the Riley's tomorrow to see what additional information they can provide – please send over any questions, simple or complex, that we can help answer!

Thanks again,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Joseph Riley - Cornoil1 [mailto:jpriley@cornoilone.com]
Sent: Wednesday, June 21, 2017 3:56 PM
To: dominguez.alexander@epa.gov
Cc: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Moore, Andrew <Andrew.Moore@mail.house.gov>; Robert Riley <rrileyjr@feedenergy.com>; Andrews, Joshua L. <Joshua.Andrews@FaegreBD.com>; Markowitz, Kenneth <kmarkowitz@akingump.com>
Subject: Corn Oil One Follow Up

Dear Alex,

Thank you very much for your time and attention today. Please find the attached CO1 comments on the Renewable Enhancement Growth Support (REGS) rule - EPA-HQ-OAR-2016-0041.

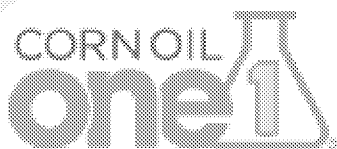
Included in these comments is the phrase, "CO1 NFGCO is processed in the same manner as products such as soy, canola, rendering of animal fat, cooking oil, or algae oils" (p. 4). These fats and oils including NFGCO are valid feedstock that generate RINs under the RFS. CO1 should be afforded the same validity and be able to generate D4 RINs.

If there is anything else you need please do not hesitate to ask.

Warm regards,

Joe Riley
General Manager
Corn Oil One

Ex. 6 Personal Privacy (PP)



U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OAR-2016-0041
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Biointermediate definition under the Proposed Renewables Enhancement and Growth Support Rule

Corn Oil One (“CO1”) is submitting these comments to the United States Environmental Protection Agency (“EPA”) on the Proposed Renewables Enhancement and Growth Support Rule (“REGS Rule”)¹ under the Renewable Fuel Standard (“RFS”).² We specifically offer suggestions on part III of the Proposed REGS Rule entitled “Biointermediates.” EPA does not define clearly “substantially altered,” which is central to determining whether a feedstock is a biointermediate. We appreciate EPA’s efforts to seek improvements of the RFS, but the proposed definition of biointermediate is causing confusion in the feedstock supply industry. Particular to CO1, it is creating uncertainty in separated non-food grade corn oil (“NFGCO”) and refined and bleached and degummed and deodorized vegetable oils. As a member of the feedstock supply industry, CO1 provides for the effective low free fatty acid (“FFA”) NFGCO biodiesel feedstock.

Based on the information presented below, we believe that our company’s NFGCO, hereinafter referred to as “CO1 NFGCO”, falls outside of EPA’s proposed definition of biointermediate. CO1 NFGCO is not significantly altered and does not have a form change from the raw NFGCO. In light of EPA’s exclusion from the definition of biointermediates of other similarly situated vegetable oils feedstocks such as soy and canola, determining CO1 NFGCO as a biointermediate would be arbitrary and capricious.

I. Introduction

CO1 engages in the removal of impurities from NFGCO from dry grind corn ethanol facilities in North America. CO1 uses traditional methods of vegetable oil refining coupled with energy efficiencies that are available when integrated with ethanol facilities. The CO1 process has been deployed at two facilities: one was purchased and is operated by an ethanol company in Sioux Center Iowa and another is owned and operated by CO1 at an ethanol facility in Council Bluffs Iowa. CO1 processes NFGCO from the co-located ethanol plant and also has the capacity to process other NFGCO from other nearby ethanol plants. Much like soy and canola oil, NFGCO is difficult to process into biodiesel directly in its raw form; only a minority of biodiesel plants has the capacity to process the raw product. The majority of biodiesel produced in the United States comes from either soy or canola oil that has been preprocessed to remove impurities or

¹ 81 Fed. Reg. 80828 (Nov. 16, 2016).

² 42 U.S.C. § 7545(o), as implemented by the U.S. Environmental Protection Agency (“EPA”) through 40 C.F.R. §§ 80.1401 *et seq.*, the Regulation of Fuels and Fuel Additives: Changes to the Renewable Fuel Standard Program, 75 Fed. Reg. 14670 (March 26, 2010), as amended.

contaminants prior to arriving at the biodiesel plant (except the integrated soy and canola biodiesel processors).

When NFGCO enters the CO1 facility, a dilute caustic soda is added to make soaps of the free fatty acid impurity (the same as caustic degumming and caustic refining, a predominant soy oil processing technology) and then a dilute solvent (composed of ethanol and water) is added to solubilize soaps out of the oil. This process removes free fatty acids and moisture from the NFGCO, resulting in a final CO1 NFGCO product. The purpose of this process is to improve the NFGCO for further refining at a biodiesel plant into a transportation fuel.

II. Based on EPA’s Proposed Definition, CO1 NFGCO is Not “Substantially Altered” and therefore is Not a “Biointermediate”

Under the REGS Rule, EPA has proposed to define a biointermediate as "any renewable fuel feedstock material that meets all of the following criteria:

- It is derived from renewable biomass.
- It does not meet the definition of renewable fuel and RINs were not generated for it.
- It is produced at a facility that is registered with the EPA, but which is different than the facility at which it is used to produce renewable fuel.
- It is made from the feedstock and will be used to produce the renewable fuel in accordance with the process(es) listed in the approved pathway.
- It is processed in such a way that it is *substantially altered* from the feedstock listed in the approved pathway.”³

CO1 interprets the proposed “biointermediate” definition as not including CO1 NFGCO for several reasons: first, CO1 NFGCO is not a biointermediate because it is not “substantially altered” from the crude NFGCO; second, it is analogous to other vegetable oil feedstocks, such as soy and canola, currently recognized by EPA as exempt under the REGS Rule. If EPA were to consider CO1 NFGCO as a “biointermediate” under the proposed definition, these other vegetable oils, which constitute a large part of the biodiesel industry, would require similar treatment. Singling out CO1 NFGCO as a biointermediate would be arbitrary and capricious.

Although EPA does not provide sufficient guidance in the REGS Rule regarding the intended meaning of the terms “substantially” and “altered,” dictionary definitions of these terms clearly establish that they encompass some form of “material change” far beyond the transformation of crude NFGCO into CO1 NFGCO. Dictionary definition of the term substantial is “material” or “essential.”⁴ “To alter” means “to make different without changing into something else.”⁵

³ 81 Fed. Reg. at 80834 (emphasis added).

⁴ See Black's Law Dictionary 1656 (Brian A. Garner et al. eds., 10th ed. 2014) (defining the term as “relating to, or involving substance; material <substantial change in circumstances>; 6. Considerable in amount or value; large in volume or number <substantial support and care>”). See also Merriam-Webster Online Dictionary, <https://www.merriam-webster.com> (defining the term as “a: consisting of or relating to substance b: not imaginary or illusory: real, true c: important, essential b: considerable in quantity: significantly great <earned a

Moreover, Black's Law Dictionary explicitly contains such phrase as "material alteration" and defines it as a "significant change in something."⁶ These legal and plain language definitions show that in the proposed (and final) rule, "substantially altered" should mean that something was materially changed. Material change, in turn, requires something more than a small change. Material change, clearly, does not cover the removal of contaminants. The purified CO1 NFGCO still meets the definitions of NFGCO.⁷

A recent laboratory analysis of the CO1 NFGCO sample demonstrates conclusively that CO1 NFGCO is not substantially altered during the NFGCO's processing. In November 2016, CO1 NFGCO was analyzed to determine the degree of its alteration from the crude NFGCO. NFGCO was analyzed along with the CO1 NFGCO sample. Laboratory results noted *the only changes* between the two samples: a decrease in the fatty acid and an increase in Triglycerides. When analyzed by gas chromatogram, carbon species remain the same in both the raw NFGCO and CO1 NFGCO. There is no significant alteration or form change in this process. There is no increase in ester content for the CO1 NFGCO compared with the crude NFGCO. Lifecycle analysis of CO1 NFGCO demonstrates reduced carbon emissions vs. other forms of NFGCO.

Downstream biodiesel producers are ready to accept the CO1 NFGCO with low FFA corn oil and certify that renewable biomass requirements are met under an effective Q-RIN program. In essence, the raw and the processed feedstocks are substantially similar, except for certain contaminants that create inefficiencies in the refining process. As EPA has discussed, degumming to remove contaminants from the raw product does not constitute a material change and the resulting feedstock is considered as "substantially altered." In comparison, typical soy and canola oil refining has mass loss in the 8-10% range where phosphorus in the form of gums, FFA, bleaching losses, and deoderization lead to more intense alterations to the oil.

substantial wage>").

⁵ See also Merriam-Webster Online Dictionary (defining the term as 1: to make different without changing into something else <an event that altered the course of history>).

⁶ Black's Law Dictionary at 94.

⁷ See Association of American Feed Control Officials (AAFCO) 2016 Official Publication at p. 401, T33.10, available at <http://www.aaeco.org>. "Corn distillers Oil, Feed Grade is obtained after the removal of ethyl alcohol by distillation from the yeast fermentation of a grain or a grain mixture and mechanical or solvent extraction of oil by methods employed in the ethanol production industry. It consists predominantly of glyceride esters of fatty acids and contains no additions of free fatty acids or other materials obtained from fats. It must contain, and be guaranteed for, not less than 85% total fatty acids, not more than 2.5% unsaponifiable matter, and not more than 1% insoluble impurities. Maximum free fatty acids and moisture must be guaranteed. If an antioxidant(s) is used, the common or usual name must be indicated, followed by the words "used as a preservative". If the product bears a name descriptive of its kind or origin, i.e. "corn, sorghum, barley, rye" it must correspond thereto with the predominating grain declared as the first word in the name (proposed 2015)." See also AFOA Official Trade Rules, Vegetable Oils Domestic and Import Contract, Rule 6E (defining Distiller's Corn Oil shall be pure and recovered from the alcohol manufacturing process. It shall meet the following specifications, with all analytical tests determined in accordance with the American Oil Chemists Society (AOCS) methods: FFA: 15.0% base, with 1:1 discount up to 20% maximum – AOCS Method Ca 5a-40; Moisture: 1.0% maximum – AOCS Method Ca 2b-38; Insoluble Impurities: 0.5% maximum – AOCS Method Ca 3a-46; Unsaponifiables: 2.5% maximum – AOCS Method Ca 6a-40; MIU total: 3.0% maximum – Calculation Required; IV: 115 minimum – AOCS Method Cd 1d-92; General Appearance: reddish brown colored.)

CO1 NFGCO is processed similarly to many other vegetable oil feedstocks that EPA does not consider as biointermediates under the REGS Rule, proposing to exempt soy and canola feedstocks from the definition. Moreover, under current EPA practice, these industries are allowed to participate in the biodiesel market and receive benefit from RINs generation. However, many of the treatment techniques used in processing such feedstocks involve changes far more intrusive than those that occur during the CO1 NFGCO processing.

CO1 NFGCO is processed in the same manner as products such as soy, canola, rendering of animal fat, cooking oil, or algae oils. The similarity between these vegetable oil industries and CO1 is that the feedstocks are initially extracted at one facility, then – purified (degummed) at another facility, and only then enter another facility (a biodiesel plant), to produce transportation fuel.

For comparison, the soy bean oil and canola oil represent a large share of biodiesel industry. Soy beans are first crushed at one facility, then – degummed, neutralized, bleached, and deodorized at another facility to create refined, bleached, and deodorized oil. Finally, a biodiesel plant – a third facility in this chain, processes soy bean oil feedstock into the transportation fuel. Most biodiesel plants buy fully degummed (that is, chemically treated as discussed below) soy oil. Canola oil processing follows the same path.⁸

The following table shows the extent of soy bean oil, crude canola oil, and NFGCO processing.⁹

Table 2

Starting Oil	Finished Oil	Phosphorus Removed	FFA Removed	Unsaponifiable Removed
NFGCO	CO1 NFGCO	-99.5%	-94.7%	-24.8%
Crude Canola Oil	RB Canola	-99.9%	-95.0%	-91.7%
Crude Soy Oil	RB Soy Oil	-99.9%	-95.8%	-99.2%

As shown above, CO1 NFGCO conducts substantially similar processes to NFGCO as implemented by soybean and canola oil producers. The last column in the table, unsaponifiable removed, shows that CO1 NFGCO processing in fact removes much less of this component in comparison to processed canola and soy bean oils. CO1 processing is less intrusive than many of the billions of pounds of soybean oil processed, acid degummed or refined, bleached and deodorized.

⁸ See T. Mag, Canola Seed and Oil Processing 2, available at <http://canola.okstate.edu/canola-info/canolaoilmeal/oilprocessing.pdf> (discussing degumming).

⁹ Adapted from USDA and NOPA, Trading Rules for the Purchase and Sale of Soybean Oil (last revised Oct. 2014), available at http://www.nopa.org/wp-content/uploads/2015/10/NOPA-SBO-Trading-Rules_effective-Oct-1-2015_chemists-updated-to-2015-161.pdf. The above range of values are calculated off of industry averages from industry processing experiences and published data: soy and canola phosphorus – 1.5% to 2.75%; soy and canola FFA 1%; NFGCO FFA 10-15%; NFGCO Phosphorus 0.02%.

EPA proposes to exempt from the “biointermediate” definition feedstocks listed in Table 1 to 40 CFR 80.1426 and vegetable processes that undergo treatment such as degumming:

“In addition, we are proposing that any feedstock listed in Table 1 to 40 CFR 80.1426 or in an approved pathway pursuant to 80 CFR 80.1416 is not a biointermediate, and that a mere form change to renewable biomass does not create a biointermediate In addition, certain processing of feedstocks would not result in sufficient alteration to result in a biointermediate We are proposing that renewable biomass subject to these types of processing (chopping, filtering, degumming vegetable oils, drying, adding water) would be excluded from the definition of biointermediate and, therefore, that such activities can be conducted at a different facility than the facility producing renewable fuel without triggering the need for the additional recordkeeping, reporting, and registration requirements being proposed for producers of biointermediates.”¹¹

For instance, degumming vegetable oils is an example of “processing involving form changes that would not result in the production of a biointermediate.”¹² Many of these exempt processing techniques can be more intrusive than the methods used to derive CO1 NFGCO, involving more processing and resulting in greater material changes that should result in no more stringent treatment as a biointermediate than CO1 NFGCO. Since NFGCO is a feedstock listed in Table 1, the proposed definition of biointermediate would not include CO1 NFGCO oil, a degummed vegetable oil.

Most importantly, the vast majority of the processing facilities in the United States use some form of chemical processing *in addition* to simple water degumming.¹³ Degumming of soy beans, for example, first involves water washing that removes 90% of gums.¹⁴ The feedstock then undergoes chemical treatment to remove the remaining 10% of the gums.¹⁵ Since biodiesel, a final product that is derived after undergoing these techniques, cannot meet established specifications without the removal of the last 10% of the gums, both processes are critical. Even the rules that govern soy bean oil trade require a maximum content of 0.02% phosphorus in the crude degummed soybean oil.¹⁶

¹¹ 81 Fed. Reg. at 80834.

¹² *Id.*

¹³ Although EPA simply excludes “degumming” from the “biointermediate” definition, there are more than ten (10) different methods of degumming, each involving a different degree of raw material processing that result in different level of feedstock alteration. Some methods involve chemical processing of the raw product also leading to more substantial changes. Acid degumming, for example, includes adding an acid and dilute caustic soda that removes gums and FFA. Similarly, dry acid degumming involves adding “a strong degumming acid such as phosphoric acid (typically 85% solution) or citric acid.” Wet acid degumming is another more intrusive process that uses the same acids. See Gopal R. Menon, Degumming Vegetable Oils at 2.

¹⁴ Earl G. Hammond et al., Soybean Oil at 605, in Bailey’s Industrial Oil and Fat Products (6th ed. 2005).

¹⁵ *Id.*

¹⁶ USDA and NOPA, Trading Rules for the Purchase and Sale of Soybean Oil at 9 (last revised Oct. 2014), available at http://www.nopa.org/wp-content/uploads/2015/10/NOPA-SBO-Trading-Rules_effective-Oct-1-2015_chemists-updated-to-2015-161.pdf.

But based on the REGS Rule, any degumming – a simple form such as water degumming that involves little changes, or an acid degumming can be more intrusive – is exempt from the “biointermediate definition.” We support this broad interpretation of degumming for purposes of determining whether a product is a biointermediate.

Additionally, the REGS Rule in this respect is vague because the list of exceptions does not account for other important feedstock industry processing activities. For example, the list does not include chemical processing as heating, refining, solvent extraction, bleaching, and deodorizing.¹⁷ It is currently unclear whether feedstock derived with the use of these processes is considered as biointermediate. The EPA thus should clarify the proposed definition to fully address these concerns.

II. Treating CO1 NFGCO as Similarly Situated Vegetable Oil Feedstocks Would Advance the Goals of the RFS and be Consistent with Analogous EPA Decisions Regarding the Biodiesel Industry

If soybean oil, canola oil, and many other similarly situated feedstock are not biointermediates, than CO1 NFGCO is also not an intermediate. Treating soybean oil and canola oil as a biointermediate, on the other hand, would have massive transformative consequences for the entire biodiesel industry. At least 135 soy processing plants in the United States crush soy beans for their oil; of those plants, 69 degum and refine crude oil. Only about half of the soy bean processing industry extracts oil (and sometimes also degums oil) at one location. The other half extracts the soy oil and then sends it to an intermediate facility for further degumming and or refining.¹⁸

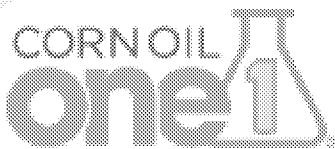
While EPA appears focused on the unregistered production of methyl esters as its prime motivation for this rule, any such concerns of EPA are already addressed by an effective Quality Assurance Program (QAP). Industry is concerned with providing the most cost and energy efficient means of delivering feedstock, continuing to implement improvements to reduce energy, cost, and carbon emissions.

If the EPA decides to treat CO1 NFGCO as a biointermediate without similarly treating other feedstocks, singling out CO1 NFGCO is arbitrary, capricious, and contrary to the existing scientific data.¹⁹ Singling out CO1 gives a preferential treatment to other similarly situated facilities, particularly in light of the analogous processes that other vegetable oils undergo prior

¹⁷ Karyn Jones, Far-reaching Impacts of Biointermediate Feedstocks on the Biodiesel Industry (Jan. 6, 2017), available at <http://www.biodieselmagazine.com/articles/2070329/far-reaching-impacts-of-biointermediate-feedstocks-on-the-biodiesel-industry>. Ms. Jones stated that during the conversations with the EPA, it “had indicated that any chemical processing activities—including heating, solvent extraction, bleaching and deodorizing—would be treated as a substantial alteration and would result in a biointermediate feedstock.”

¹⁸ Refiners OilSeedProcessors database.

¹⁹ The agency actions are considered arbitrary and capricious if the agency “relied on factors which Congress has not intended it to consider,” the agency “entirely failed to consider an important aspect of the problem,” the agency “offered an explanation for its decision that runs counter to the evidence before the agency,” and the agency offered an explanation “so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” See *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).



to refining into transportation fuels. If they are not “substantially altered,” neither is CO1 NFGCO. Instead, CO1 NFGCO is substantially similar to many other feedstocks not treated as biontermediates.

For the reasons explained, CO1 respectfully requests EPA to confirm in final rule that it does not consider feedstocks such as CO1 NFGCO as a biointermediate under the proposed definition in the REGS Rule because they are not substantially altered from crude NFGCO as listed in Table 1 of 40 CFR § 80.1426.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

Joe Riley

General Manager

Corn Oil One, LLC

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 6/29/2017 2:41:26 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Done with the hearing. I'd like to have my colleague Andrea join for the quick call too if that works since we work together on WOTUS and infrastructure given the significant Ag overlap.

Can we call you?

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, June 29, 2017 9:37 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

You have 5min right now to chat on this Devin? Tate and I have an update, Gov of Iowa was here yesterday.

Have a direct line we can call?

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Tuesday, June 27, 2017 3:42 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Likewise! Any update on the Corn Oil One situation?

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, June 27, 2017 3:39 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Awesome awesome. Thanks so much Devin! Hope to see you soon.

Christian R. Palich

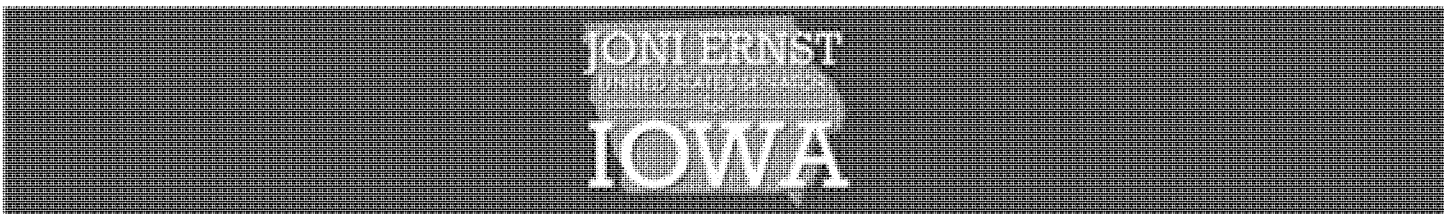
Deputy Associate Administrator
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Sent: Tuesday, June 27, 2017 3:37 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: FW: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Here you go sir! Thanks again for tipping us off!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Press, Ernst (Ernst)
Sent: Tuesday, June 27, 2017 3:20 PM
Subject: Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule



FOR IMMEDIATE RELEASE
June 27, 2017

Contact: Brook Hougesen or Leigh Claffey
Press@Ernst.Senate.Gov
Phone: 202-224-3254

Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

WASHINGTON, D.C. – U.S. Senator Joni Ernst, a member of the Senate Environment and Public Works Committee, issued the following statement after the Environmental Protection Agency (EPA), Department of the Army, and Army Corps of Engineers proposed a rule today to repeal the Waters of the United States (WOTUS) rule:

"I am pleased that the Trump administration is taking another important step toward eliminating this burdensome WOTUS rule," said Senator Ernst. "In Iowa, 97 percent of the land is subject to extensive overregulation by the EPA and unnecessarily hamstringing our farmers, businesses and manufacturers. All across Iowa, folks are calling for this rule to be scrapped, which is why I have led efforts in the Senate to do just that."

"This is good news for Iowa and rural communities across the country as we move closer to finally eliminating this overreaching rule."

Senator Ernst's Efforts to Scrap WOTUS Rule:

- Continued to highlight major flaws with expanded WOTUS Rule in Environment and Public Works Committee hearings.
- Applauded WOTUS rule executive order.
- Raised her concerns with then-nominee to be Administrator of the EPA, Scott Pruitt, at his confirmation hearing, as well as his pre-confirmation meeting.
- Introduced a resolution that expresses the need to vacate the Obama administration's WOTUS rule.
- Praised the bipartisan passage in both chambers of her resolution of disapproval to eliminate the expanded definition of the WOTUS rule. The Obama administration vetoed this legislation and Senator Ernst vowed to continue looking for ways to roll back the WOTUS rule.
- Called out the EPA's illegal use of taxpayer dollars to rally support for the harmful WOTUS rule.
- Spoke on the floor of the Senate to urge support for her resolution of disapproval to eliminate the expanded definition of the WOTUS rule.
- Introduced and led a joint resolution to scrap WOTUS.
- Cosponsored Senator Barrasso's proposal, which provided clear principles and direction for the EPA and ACE to craft a WOTUS rule that takes into consideration positions held by key stakeholders.

###



Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 6/29/2017 1:42:12 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: Re: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Sitting behind my boss at a hearing this morning but can take a call after.

Direct i Ex. 6 Personal Privacy (PP)

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 6/29/17 9:37 AM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

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Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

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U.S. Senator Joni Ernst | 111 Russell

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To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: : Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule

Awesome awesome. Thanks so much Devin! Hope to see you soon.

Christian R. Palich
Deputy Associate Administrator

Office of Congressional & Intergovernmental Affairs

U.S. Environmental Protection Agency

O: 202.564.4944

C: Ex. 6 Personal Privacy (PP)

E: Palich.Christian@epa.gov

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Sent: Tuesday, June 27, 2017 3:37 PM

To: Palich, Christian <palich.christian@epa.gov>

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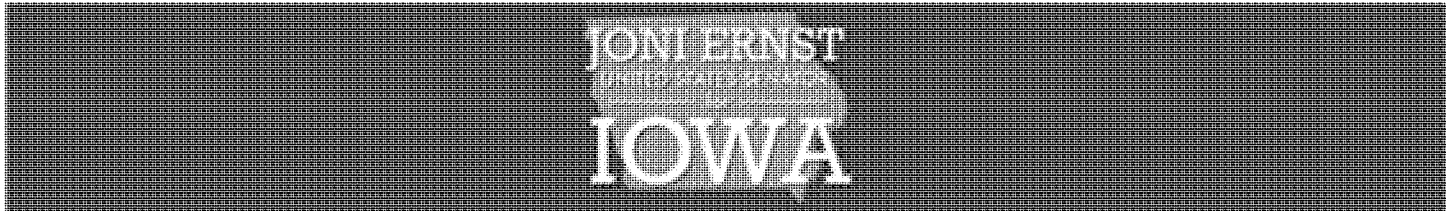
Devin Mogler | Legislative Assistant

U.S. Senator Joni Ernst | 111 Russell

From: Press, Ernst (Ernst)

Sent: Tuesday, June 27, 2017 3:20 PM

Subject: Ernst Applauds Next Step in Rolling Back Harmful WOTUS Rule



FOR IMMEDIATE RELEASE

June 27, 2017

Contact: Brook Hougesen or Leigh Claffey

Press@Ernst.Senate.Gov

Phone: 202-224-3254

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- Cosponsored Senator Barrasso's proposal, which provided clear principles and direction for the EPA and ACE to craft a WOTUS rule that takes into consideration positions held by key stakeholders.

#



Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 10/11/2017 11:38:51 PM
To: Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]
Subject: RE: RVP

Thanks Mandy - appreciate the prompt response. Please keep us apprised of any breakthroughs in said trap-running.

Thanks also for your time on the call with Sen. Ernst today, as well as for connecting the Corn Oil One folks with your technical experts.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

-----Original Message-----

From: Gunasekara, Mandy [mailto:Gunasekara.Mandy@epa.gov]
Sent: Wednesday, October 11, 2017 7:30 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: Re: RVP

Hey Devin,
The preliminary analysis from our career team is that addressing this requires a statutory fix. However we have some novel arguments that we are running the traps on to gage legal viability.
Best,
Mandy

Sent from my iPhone

> On Oct 11, 2017, at 7:24 PM, Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov> wrote:
>
> Mandy,
> On today's call with Administrator Pruitt he mentioned to Senator Ernst that you are still "looking into" the RVP issue to see if you can address it administratively.
> I saw that he made similar comments yesterday in Kentucky.
> In our conversation on Sep 29 you indicated to our Chief and me that you had determined that you could not do administratively, and that it would take a statutory fix.
> Can you please confirm for me which is actually the case?
> Thanks,

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 10/6/2017 8:20:22 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: Re: Call Today

Hey man- I'm on the road in Southern VA but you can try my cell

Ex. 6 Personal Privacy (PP)

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 10/6/17 4:02 PM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>
Subject: Call Today

Hi Devin,

What's your availability this afternoon for a call with myself and Mandy Gunaeskara? Wanted to chat RFS.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

Message

From: Hechavarria, Andrea (Ernst) [Andrea_Hechavarria@ernst.senate.gov]
Sent: 5/10/2017 11:30:58 AM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: meeting request

Sounds great. Thank you!

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, May 9, 2017 6:41 PM
To: Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: Re: meeting request

Let's do 3pm! I'll come to your office.

Enjoy the evening,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On May 9, 2017, at 5:10 PM, Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov> wrote:

I have some time to meet between 2 and 4. Let me know if those times work.

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, May 9, 2017 5:03 PM
To: Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: RE: meeting request

Hi Andrea,

I actually have to attend a hearing Thursday morning with the Ag Committee that we have a witness at, but I will be on the hill if you have time to meet in person that afternoon?

Or if your schedule is packed it's no problem to have a call in the afternoon as well.

Have a great evening!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
O: 202.564.4944

C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Hechavarria, Andrea (Ernst) [mailto:Andrea_Hechavarria@ernst.senate.gov]
Sent: Tuesday, May 9, 2017 4:55 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: meeting request

Christian – thanks you so much. Tomorrow morning I am running around a little bit with constituent meetings and an EPW hearing. Could you have time to chat on Thursday morning some time? I am open at 10am if that works. My direct is Ex. 6 Personal Privacy (PP)

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Tuesday, May 9, 2017 3:23 PM
To: Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: RE: meeting request

Hi Andrea,

I did some follow up work on the Keokuk issue and wanted to give you an update. Anytime to chat tomorrow morning?

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Hechavarria, Andrea (Ernst) [mailto:Andrea_Hechavarria@ernst.senate.gov]
Sent: Monday, May 8, 2017 1:53 PM
To: Palich, Christian <palich.christian@epa.gov>
Subject: RE: meeting request

Thanks so much Christian!

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, May 8, 2017 1:51 PM
To: Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: RE: meeting request

Works for me Andrea. I'm going to bring someone from our Wastewater office and possibly region 7, or at least get the region to conference in for the meeting.

As we get closer I will update you on more details. Please feel free to reach out if anything further on this comes up.

Enjoy the Day!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S Environmental Protection Agency

O: 202.564.4944

C: Ex. 6 Personal Privacy (PP)

E: Palich.Christian@epa.gov

From: Hechavarria, Andrea (Ernst) [mailto:Andrea_Hechavarria@ernst.senate.gov]

Sent: Monday, May 8, 2017 12:20 PM

To: Palich, Christian <palich.christian@epa.gov>

Subject: RE: meeting request

Hi Christian – can you all meet in our office at 10am on the 15th? We are Russell 111.

Thanks for the quickly reply, really appreciate your help!

Andrea

From: Palich, Christian [<mailto:palich.christian@epa.gov>]

Sent: Monday, May 8, 2017 10:08 AM

To: Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>

Subject: RE: meeting request

Hi Andrea,

Happy to attend the meeting on June 15th, and I will try to get one of our technical folks to attend the meeting as well. Just let me know a time and location, or if you want us to host the meeting here. In the meantime, I will try to track down some more info.

Best Regards,

Christian R. Palich

Deputy Associate Administrator

Office of Congressional & Intergovernmental Relations

U.S Environmental Protection Agency

O: 202.564.4944

C: Ex. 6 Personal Privacy (PP)

E: Palich.Christian@epa.gov

From: Hechavarria, Andrea (Ernst) [mailto:Andrea_Hechavarria@ernst.senate.gov]

Sent: Monday, May 8, 2017 9:53 AM

To: Palich, Christian <palich.christian@epa.gov>

Subject: meeting request

Good morning, Christian—

My name is Andrea Hechavarria and I handle Senator Ernst's EPW committee portfolio. I was wondering if you (or if there is a better contact at EPA) would be willing to either do a joint meeting with myself and an Iowa city Administrator on the morning of June 15th to discuss the possibility of lengthening the timeframe the city of Keokuk has to carry out its sewer separation work? The city has a bit of history with working with the EPA on this (I am just learning all of this) and would appreciate either a meeting or at least a phone call with someone about the project. I've attached some documents the city has provided me. Again, would appreciate any help on this, I know you all are still drinking from a firehose.

Thank you,

Andrea

Andrea Hechavarria
Legislative Assistant
U.S. Senator Joni Ernst
o: 202-224-3254
c: Ex. 6 Personal Privacy (PP)

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 6/27/2017 10:59:38 AM
To: Palich, Christian [palich.christian@epa.gov]
Subject: Re: Possible Event Tomorrow

Ok thanks for thinking of us!

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 6/27/17 6:57 AM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>
Cc: "Hechavarria, Andrea (Ernst)" <Andrea_Hechavarria@ernst.senate.gov>
Subject: Re: Possible Event Tomorrow

Hi Devin,

We didn't have anything by COB last night so looks like it's been opted out.

Sorry for the fire drill but if the event happened we wanted your boss to be included.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Jun 27, 2017, at 6:35 AM, Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov> wrote:

Any other details on this Christian? Slight possibility we could shoe-horn something into her already full schedule.

Devin

----- Original message -----

From: "Palich, Christian" <palich.christian@epa.gov>
Date: 6/26/17 12:06 PM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>, "Hechavarria, Andrea (Ernst)" <Andrea_Hechavarria@ernst.senate.gov>
Subject: Possible Event Tomorrow

Good Morning Devin & Andrea,

Sorry to not have a ton of details yet, but wanted to reach out to see if your boss would be available for a possible WOTUS event either here or the WH tomorrow afternoon? Understand how tough scheduling can be so figured I would check initial availability before all details are decided.

If available I will circle back ASAP as soon as I hear more.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 7/6/2017 8:36:35 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Corn Oil

Thanks for keeping it on your radar sir.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Thursday, July 6, 2017 4:34 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: Corn Oil

Hi Devin,

Just quick update that we are having a discussion on RINS next week with the Administrator and should have a better update after that for you.

Just wanted to let you know we haven't forgot about it and are working on the issue.

Have a great evening,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

Message

From: Hechavarria, Andrea (Ernst) [Andrea_Hechavarria@ernst.senate.gov]
Sent: 6/26/2017 6:37:58 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Possible Event Tomorrow

Christian – thanks for reaching out on this. I think we are still trying to run this up the chain to see if anything could work. This week is tough because of NDAA going on in Armed Services.

Unrelated, I've been meaning to shoot you a note to follow up on that combined sewer issue in Keokuk, IA. Aaron Burnett, with the city, mentioned to me that he had a conference call with the regional office and you a couple weeks back. He mentioned to Senator Ernst that he left the meeting with the feeling that EPA was going to look into the issue and look into the possibility of extending the timeline. I just wanted to follow up on that to see what the likelihood of that is and what are some other details that we should be aware of in regards to this issue.

Thanks for any info!

Andrea

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Monday, June 26, 2017 12:06 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Hechavarria, Andrea (Ernst) <Andrea_Hechavarria@ernst.senate.gov>
Subject: Possible Event Tomorrow

Good Morning Devin & Andrea,

Sorry to not have a ton of details yet, but wanted to reach out to see if your boss would be available for a possible WOTUS event either here or the WH tomorrow afternoon? Understand how tough scheduling can be so figured I would check initial availability before all details are decided.

If available I will circle back ASAP as soon as I hear more.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 5/31/2017 12:32:11 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]
CC: Palich, Christian [palich.christian@epa.gov]; Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]; Groen, Stephanie [stephanie.groen@iowa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]
Subject: Re: EPA Introduction

Thanks Tate,

I'll connect you with Mr. Robert Riley in a separate email.

Appreciate you making the time on the 21st/22nd.

Devin

----- Original message -----

From: "Bennett, Tate" <Bennett.Tate@epa.gov>
Date: 5/31/17 8:15 AM (GMT-05:00)
To: "Mogler, Devin (Ernst)" <Devin_Mogler@ernst.senate.gov>
Cc: "Palich, Christian" <palich.christian@epa.gov>, "Kovarik, Kurt (Grassley)" <Kurt_Kovarik@grassley.senate.gov>, "Groen, Stephanie" <stephanie.groen@iowa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>
Subject: Re: EPA Introduction

Roping in Alex to set up a meeting with the group/himself/Mandy the 21st/22 if possible at EPA. Do you guys have a recommendation on who we should reach out to with the company or do you all want to do an email intro?

On May 19, 2017, at 1:17 PM, Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov> wrote:

Looking forward to the conversation at 3:30 in SR-111. I wanted to let you know that I've invited A.J. Moore from Congressman David Young's (IA-3) office to join as well.

Regards,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Bennett, Tate [mailto:Bennett.Tate@epa.gov]
Sent: Friday, May 12, 2017 4:47 PM
To: Palich, Christian <palich.christian@epa.gov>
Cc: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Groen, Stephanie <stephanie.groen@iowa.gov>
Subject: Re: EPA Introduction

Can someone do an outlook invite?

On May 12, 2017, at 4:46 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Sounds great! Look forward to seeing everyone.

Have a great weekend,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations

Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On May 12, 2017, at 4:32 PM, Kovarik, Kurt (Grassley)
<Kurt_Kovarik@grassley.senate.gov> wrote:

Let's do 3:30 of that works for everyone. Ernst's office works for me. Thanks everybody.

Kurt Kovarik

Legislative Director | Office of U.S. Senator Chuck Grassley
135 Hart Senate Office Building | Washington, DC 20510
Office: (202) 224-3744 | Fax: (202) 224-6020

FOLLOW SENATOR GRASSLEY:

<image001.png><image002.png> <image003.png><image004.png><image005.jpg>
<image006.png>

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

Sent: Friday, May 12, 2017 4:16 PM

To: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>;
Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Groen,
Stephanie <stephanie.groen@iowa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: RE: EPA Introduction

Happy to do 1/1:30 or 3:30/4. We can come to Ernst's office if that makes it easier on you, Kurt.

From: Kovarik, Kurt (Grassley)

[mailto:Kurt_Kovarik@grassley.senate.gov]

Sent: Friday, May 12, 2017 4:12 PM

To: Bennett, Tate <Bennett.Tate@epa.gov>; Mogler, Devin (Ernst)
<Devin_Mogler@ernst.senate.gov>; Groen, Stephanie
<stephanie.groen@iowa.gov>

Cc: Palich, Christian <palich.christian@epa.gov>

Subject: RE: EPA Introduction

Thanks for being willing to meet. Fridays can be a little crazy for me. I'm booked with staff meetings from 10-11:45, and then again from 2:30-3:30. Other than that I'm wide open next Friday.

Kurt Kovarik

Legislative Director | Office of U.S. Senator Chuck Grassley
135 Hart Senate Office Building | Washington, DC 20510
Office: (202) 224-3744 | Fax: (202) 224-6020

FOLLOW SENATOR GRASSLEY:

<image001.png><image002.png> <image003.png><image004.png><image005.jpg>
<image006.png>

From: Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]
Sent: Friday, May 12, 2017 4:09 PM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Groen, Stephanie <stephanie.groen@iowa.gov>
Cc: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPA Introduction

Will defer to Christian's schedule.

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Friday, May 12, 2017 2:11 PM
To: Groen, Stephanie <stephanie.groen@iowa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: EPA Introduction

Thanks for making the virtual introduction Stephanie, and Tate – thanks for offering the time to meet!

I am wide open next Friday so could make either work – happy to host in SR-111 as well!

Thanks,

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]
Sent: Friday, May 12, 2017 9:00 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: Re: EPA Introduction

Tate,

That would be great! I am in the Hall of States and am more than willing to host everybody here or happy to meet in Senator Grassley or Senator Ernst's office as well.

Devin and Kurt, does next Friday work for you? Do one of you want to host or should we meet in the Hall of States?

Thanks,
Stephanie

On Fri, May 12, 2017 at 8:57 AM, Bennett, Tate
<Bennett.Tate@epa.gov> wrote:

Hi there!

My colleague Christian Palich, cc'd, who handles the Senate and I will be on Capitol Hill next Friday. Would you guys like to get together and discuss? Stephanie, are you in the Hall of States? We are open to the location.

Best.

Tate

Elizabeth Tate Bennett
Senior Deputy Associate Administrator
Congressional and Intergovernmental Affairs
Office of the Administrator
U.S. Environmental Protection Agency

From: Groen, Stephanie [<mailto:stephanie.groen@iowa.gov>]
Sent: Friday, May 12, 2017 8:42 AM
To: Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Contact <kurt_kovarik@grassley.senate.gov>; Contact <devin_mogler@ernst.senate.gov>
Subject: EPA Introduction

Tate,

It was so nice to finally meet you in person earlier this week!

I wanted to introduce you to some fellow Iowans- Kurt Kovarik, Senator Grassley's Legislative Director, and Devin Mogler, Senator Ernst's Legislative Assistant.

Kurt and Devin are the experts and have been leading the charge on the Corn Oil issue that I briefly mentioned the other day. They can provide greater detail and context.

As I mentioned a few times, I am incredibly appreciative of your responsiveness and your willingness to work with states!

Thanks,
Stephanie

--

Stephanie Groen | Acting Director of State-Federal Relations

Office of the Governor, State of Iowa

Gov. Terry Branstad & Lt. Gov. Kim Reynolds

202.624.5442 | stephanie.groen@iowa.gov

www.governor.iowa.gov

www.ltgovernor.iowa.gov

--

Stephanie Groen | Acting Director of State-Federal Relations

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www.ltgovernor.iowa.gov

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 7/5/2017 7:37:53 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: RVOs

Did they drop? Saw a Des Moines Register piece on it but could you forward me the EPA announcement?

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Mogler, Devin (Ernst)
Sent: Wednesday, July 5, 2017 11:27 AM
To: 'Palich, Christian' <palich.christian@epa.gov>
Subject: RVOs

Christian,

Any word on RVO release timing and levels? Thanks in advance sir, and hope you had a happy 4th!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Hechavarria, Andrea (Ernst) [Andrea_Hechavarria@ernst.senate.gov]
Sent: 5/8/2017 1:53:26 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: meeting request
Attachments: CSOProForma.pdf; Keokuk Sewer Phasing.pdf; Keokuk LTCP.PDF

Flag: Follow up

Good morning, Christian—

My name is Andrea Hechavarria and I handle Senator Ernst's EPW committee portfolio. I was wondering if you (or if there is a better contact at EPA) would be willing to either do a joint meeting with myself and an Iowa city Administrator on the morning of June 15th to discuss the possibility of lengthening the timeframe the city of Keokuk has to carry out its sewer separation work? The city has a bit of history with working with the EPA on this (I am just learning all of this) and would appreciate either a meeting or at least a phone call with someone about the project. I've attached some documents the city has provided me. Again, would appreciate any help on this, I know you all are still drinking from a firehose.

Thank you,

Andrea

Andrea Hechavarria
Legislative Assistant
U.S. Senator Joni Ernst
o: 202-224-3254

C: Ex. 6 Personal Privacy (PP)

Estimated Project Costs - based on timeline to construct

	Costs are assumed in the fiscal year in which the project starts unless otherwise noted												
	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029
Phase 1 Point Repairs		1,236,000											
Phase IV - Rand Park Tunnel		701,915	12,653,190										
Phase 2 Point Repairs			60,000	1,140,000									
Phase V Basins 1, 2 & 3 storm sewer				822,457	12,303,962								
Phase 3 Point Repairs						100,000	1,100,000						
Phase VI Basin 7 & 8 storm sewer							1,565,643	22,055,640					
Phase 1 Sewer Rehab								60,000	1,100,000				
Phase VII Basin 4 storm sewer									1,040,671	15,568,437			
Phase 2 Sewer Rehab												60,000	1,100,000
	0												
	0												
Contingency													
SRF Bonding Fees													
Totals:	0	1,937,915	12,713,190	1,962,457	12,303,962	100,000	2,665,643	22,115,640	2,140,671	15,568,437	0	60,000	1,100,000
TIF Bonds Available:										14,192,640			
TIF Cash													
Sewer CIP Funds available:	2,000,000	1,000,000	1,000,000	400,000	800,000	300,000	500,000	1,100,000	0	0	0	0	0
Sewer Bonds Available (less bond fees)			12,214,092		11,503,942			22,981,000		4,677,750			
Total Bonds Available:	2,000,000	1,000,000	13,214,092	400,000	12,303,942	300,000	500,000	24,081,000	0	18,870,390	0	0	0
Surplus of Funding over costs	2,000,000	-937,915	500,902	-1,562,457	-20	200,000	-2,165,643	1,965,360	-2,140,671	3,301,953	0	-60,000	-1,100,000
running surplus	2,000,000	1,062,085	1,562,987	530	510	200,510	-1,965,133	227	-2,140,444	1,161,509	1,161,509	1,101,509	1,509

Summary of Sewer Utility Operations & rate Increases Required

Revenues	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Class 1 Fees	1,979,888	1,394,571	1,471,272	1,552,192	1,637,563	1,727,629	1,822,648	1,922,894	2,028,653	2,140,229	2,204,436	2,270,569
Class 2 Fees	2,098,170	2,654,511	2,800,509	2,954,537	3,117,036	3,288,473	3,469,339	3,660,153	3,861,461	4,073,842	4,196,057	4,321,939
Non operating	68,854	119,648	121,999	128,709	135,788	143,256	151,135	159,448	168,217	177,469	182,793	188,277
Proceeds of Debt	4,638,168	0	0	0	0	0	0	0	0	0	0	0
Other	27,879	28,189	456	456	456	456	456	456	456	456	456	456
Total Revenues	8,812,959	4,196,918	4,394,236	4,635,894	4,890,843	5,159,814	5,443,579	5,742,951	6,058,788	6,391,996	6,583,743	6,781,241
Expenses												
Plant Operations	1,694,170	1,891,177	1,947,912	2,006,349	2,066,540	2,128,536	2,192,392	2,258,164	2,325,909	2,395,686	2,467,557	2,541,583
Industrial Pre-treatment	9,553	12,191	12,557	12,934	13,322	13,722	14,133	14,557	14,994	15,444	15,907	16,384
San Sewer Maintenance	549,834	599,334	617,314	635,834	654,909	674,556	694,793	715,636	737,106	759,219	781,995	805,455
P&I	886,288	828,221	828,198	830,496	1,568,323	1,569,535	2,265,215	2,266,069	2,268,748	3,004,400	3,003,875	3,086,779
Capital Expenditures & Reserves	5,056,997	2,982,074	1,000,000	1,000,000	400,000	800,000	300,000	500,000	1,100,000	0	0	0
Total Revenues	8,196,842	6,312,997	4,405,982	4,485,613	4,703,093	5,186,349	5,466,533	5,754,427	6,446,756	6,174,748	6,269,334	6,450,201
Revenues in excess of Expenses:	616,117	-2,116,079	-11,745	150,281	187,750	-26,534	-22,954	-11,476	-387,968	217,248	314,409	331,040
Net Income available for Debt Service:	6,559,402	1,694,216	1,816,453	1,980,777	2,156,073	2,343,001	2,542,261	2,754,593	2,980,780	3,221,648	3,318,284	3,417,818
Coverage	7.77	2.05	2.19	2.39	1.37	1.49	1.12	1.22	1.31	1.07	1.10	1.11
Revenue Increase Required (1):			5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	5.50%	3.00%	3.00%
Operating Fund Ending Cash Balance (2)	3,530,053	1,413,974	1,402,229	1,552,510	1,740,260	1,713,726	1,690,772	1,679,296	1,291,329	1,508,577	1,822,985	2,154,025
Improvement & Various Capital Reserve Endii	0	0	0	0	0	0	0	0	0	0	0	0

(1) Currently, the entire LTCP plan can be funded with 3% rate increases after 2018, including plant nutrient project not part of the LTCP

(2) The goal is one year's operating expenses, not including capital expenditures, in cash on hand; roughly \$3.5MM required by FY19

Sewer Debt											
iscal Year	FINAL	Future	227	1,509	530	510	WPC	Victory	prelim schedule		Total
	1/20/10		EST	EST	EST	Est	Plant	Park	Principal	Interest	P&I
			6/1/24	6/1/26	6/1/19	6/1/21	6/5/15	12/20/13			
2017	111,000						305,000	214,678	630,678	197,543	828,221
2018	115,000						329,275	228,000	672,275	155,924	828,198
2019	119,000						332,000	232,000	683,000	147,496	830,496
2020	123,000				520,533		335,000	235,000	1,213,533	354,790	1,568,323
2021	126,000				529,642		339,000	238,000	1,232,642	336,893	1,569,535
2022	131,000				538,911	490,268	342,000	241,000	1,743,179	522,036	2,265,215
2023	135,000				548,342	498,848	345,000	244,000	1,771,190	494,879	2,266,069
2024	139,000				557,938	507,578	349,000	248,000	1,801,515	467,232	2,268,748
2025	144,000		331,000		567,702	516,460	352,000	252,000	2,163,162	841,238	3,004,400
2026	148,000		336,000		577,637	525,498	356,000	254,000	2,197,135	806,740	3,003,875
2027	153,000		340,000	0	587,745	534,694	359,000	258,000	2,232,440	854,339	3,086,779
2028	158,000		344,000	0	598,031	544,052	363,000	261,000	2,268,082	818,626	3,086,708
2029	163,000		348,000	0	608,496	553,573	367,000	265,000	2,305,069	782,286	3,087,355
2030	169,000		352,000	0	619,145	563,260	370,000	268,000	2,341,405	745,302	3,086,707
2031	174,000		356,000	0	629,980	573,117	374,000	272,000	2,379,097	707,657	3,086,754
2032			541,000	0	641,005	583,147	377,000	276,000	2,418,151	669,356	3,087,507
2033			549,000	0	652,222	593,352	381,000	279,000	2,454,574	632,602	3,087,176
2034			556,000	0	663,636	603,735	385,000	283,000	2,491,371	595,271	3,086,642
2035			850,000	0	675,250	614,301	390,000		2,529,550	557,361	3,086,912
2036			1,258,000	0	687,067	625,051			2,570,118	516,994	3,087,112
2037			1,280,000	0	699,090	635,989			2,615,080	472,017	3,087,097
2038			1,302,000	0	711,324	647,119			2,660,444	426,253	3,086,697
2039			1,325,000	0	723,773	658,444			2,707,216	379,695	3,086,912
2040			2,085,000	0		669,967			2,754,967	332,319	3,087,286
2041			2,121,000	0		681,691			2,802,691	284,107	3,086,798
2042			2,852,000	0					2,852,000	235,060	3,087,060
2043			2,902,000	0					2,902,000	185,150	3,087,150
2044			2,953,000	0					2,953,000	134,365	3,087,365
2045				2,342,000					2,342,000	82,688	2,424,688
2046				2,383,000					2,383,000	41,703	2,424,703
2047									0	0	0
2048									0	0	0
2049									0	0	0
2050									0	0	0
2051									0	0	0
2052									0	0	0
2053									0	0	0
2054									0	0	0
2055									0	0	0
2056									0	0	0
2057									0	0	0
2058									0	0	0
2059									0	0	0
2060									0	0	0
2061									0	0	0
2062									0	0	0
2063									0	0	0
2064									0	0	0
2065									0	0	0

Totals: 2,108,000 0 22,981,000 4,725,000 12,337,467 11,620,143 6,750,275 4,548,678 65,070,563 13,777,921 78,848,484

TIF Debt

											Beginning TIF Balance 214,914		
											TIF	Annual	Cumulative
Fiscal Year	Series A 6/1/16	Series B 6/1/16	Sewer CSO Phase VII Basin 4 6/1/26	Series C 5/1/13	Series D 5/1/13	Total Principal	Total Interest	Total P&I	Rebates	Income	TIF Surplus	TIF Surplus	
2017	165,000	245,000		225,000	200,000	835,000	230,140	1,065,140	25,000	1,002,580	-87,560	127,353	
2018	155,100	315,000		250,000	200,000	920,100	231,924	1,152,024	25,000	1,270,628	93,605	220,958	
2019	158,400	325,000		250,000	200,000	933,400	218,522	1,151,922	25,000	1,270,628	93,707	314,665	
2020	155,100	335,000		250,000	200,000	940,100	204,479	1,144,579	25,000	1,270,628	101,050	415,714	
2021	155,100	330,000		250,000	200,000	935,100	188,927	1,124,027	25,000	1,270,628	121,602	537,316	
2022	155,100	340,000		275,000	200,000	970,100	172,975	1,143,075	25,000	1,270,628	102,554	639,869	
2023	151,800	350,000		225,000	200,000	926,800	154,948	1,081,748	25,000	1,170,006	63,258	703,128	
2024	148,500	365,000		300,000	200,000	1,013,500	137,087	1,150,587	25,000	1,170,006	-5,581	697,547	
2025	145,200	365,000		275,000	200,000	985,200	117,267	1,102,467	25,000	1,072,399	-55,067	642,479	
2026	141,900	370,000		275,000	200,000	986,900	97,563	1,084,463	25,000	1,072,399	-37,063	605,416	
2027	138,600	380,000	1,000		200,000	719,600	327,025	1,046,625	25,000	1,072,399	774	606,190	
2028	138,600	390,000	6,000		200,000	734,600	311,936	1,046,536	25,000	1,072,399	864	607,054	
2029	135,300	405,000	11,000		200,000	751,300	295,830	1,047,130	25,000	1,072,399	269	607,324	
2030	138,600		431,000		200,000	769,600	277,030	1,046,630	25,000	1,072,399	769	608,093	
2031			586,000		200,000	786,000	260,623	1,046,623	25,000	1,072,399	777	608,870	
2032			602,000		200,000	802,000	244,768	1,046,768	25,000	1,072,399	632	609,502	
2033			619,000		200,000	819,000	228,233	1,047,233	25,000	1,072,399	167	609,669	
2034			836,000		0	836,000	211,400	1,047,400	25,000	1,072,399	-1	609,669	
2035			850,000		0	850,000	196,770	1,046,770	25,000	1,072,399	629	610,298	
2036			865,000		0	865,000	181,895	1,046,895	25,000	1,072,399	504	610,803	
2037			880,000		0	880,000	166,758	1,046,758	25,000	1,072,399	642	611,445	
2038			896,000		0	896,000	151,358	1,047,358	25,000	1,072,399	42	611,487	
2039			911,000		0	911,000	135,678	1,046,678	25,000	1,072,399	722	612,209	
2040			927,000		0	927,000	119,735	1,046,735	25,000	1,072,399	664	612,873	
2041			944,000		0	944,000	103,513	1,047,513	25,000	1,072,399	-113	612,760	
2042			960,000		0	960,000	86,993	1,046,993	25,000	1,072,399	407	613,167	
2043			977,000		0	977,000	70,193	1,047,193	25,000	1,072,399	207	613,374	
2044			994,000		0	994,000	53,095	1,047,095	25,000	1,072,399	304	613,679	
2045			1,011,000		0	1,011,000	35,700	1,046,700	25,000	1,072,399	699	614,378	
2046			1,029,000		0	1,029,000	18,008	1,047,008	25,000	1,072,399	392	614,770	
2047					0	0	0	0	25,000	1,072,399	1,047,399	1,662,170	
2048					0	0	0	0	25,000	1,072,399	1,047,399	2,709,569	
2049					0	0	0	0	25,000	1,072,399	1,047,399	3,756,969	
2050					0	0	0	0	25,000	1,072,399	1,047,399	4,804,368	
2051					0	0	0	0	25,000	0	-25,000	4,779,368	
Totals:	2,082,300	4,515,000	14,336,000	2,575,000	3,400,000	26,908,300	5,230,366	32,138,666	875,000	37,578,121	4,564,454		

REPORT

ON

COMBINED SEWER OVERFLOW

LONG TERM CONTROL PLAN "DRAFT"

KEOKUK, IOWA

February 28, 2013

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.



Signed:

Date:

Forrest S. Aldrich

2/28/2013

Forrest S. Aldrich, P.E.

Iowa License No. 12248

My license renewal date is December 31, 2013

Parts covered by this seal:

Prepared by
VEENSTRA & KIMM, INC.
West Des Moines
Iowa

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FIGURES

Figure 1 - Existing System

Figure 2 - Sewer Basin Areas and Project Phasing

APPENDIX A

LTCP -EZ Forms and Schedules

PART I - GENERAL

This report sets forth the long term control plan developed by the City of Keokuk for its combined sewer system and combined sewer overflows. The long term control plan was developed in fulfillment of the requirement in NPDES Permit No. 5640001 issued April 1, 2012 and amended June 18, 2012 issued by the Iowa Department of Natural Resources for the Water Pollution Control Plant.

The Long Term Control Plan (LTCP) was developed and followed the guidelines contained in the U.S. EPA document "The Long Term Control Plan - EZ (LTCP-EZ) Template: A Planning Tool for CSO Control in Small Communities". The template contains spread sheets that were completed as a part of the development of the City of Keokuk's LTCP. The spreadsheets and forms are contained in Appendix A.

PART II - OVERVIEW AND APPROACH

BACKGROUND

The combined sewer area in the City of Keokuk encompasses the major portion of the residential and main business district. The location of the combined sewer area is shown on Figure 1.

The combined sewer area of the City of Keokuk is located northerly and westerly of the Mississippi River and easterly of Soap Creek and the confluence of the Mississippi River. The combined sewer area is basically bordered by the Mississippi River to the south and east and by Soap Creek to the west. The combined sewer area generally extends from the Mississippi River to the northeast to approximately Boulevard Road.

The earliest record of the development of a sewer system in Keokuk was 1854, which was the construction of interconnecting culverts in the present downtown area. An increased demand for sewers came in the late 1880's when the first water plant was constructed. By 1889 the City of Keokuk had plans prepared for a sanitary sewer system.

Between 1890 and 1900 the City of Keokuk's sewer system was expanded considerably during which time the main trunk tunnel sewer to the Mississippi River was completed. This is the major sewer serving the combined sewer area and is referred to as the Main Trunk. Following 1900, sewer construction continued at a slower rate with a lull during the Second World War. The Keokuk sewer system has expanded steadily ever since the late 1930's.

A significant number of trunk sewers were constructed since the late 1930's. Most of the systems constructed during this period discharged directly to the Mississippi River, Soap Creek or discharged to the Main Trunk combined sewer system.

During this period the construction of separate storm sewer systems in residential areas was not common. Localized drainage problems were a common occurrence in areas without adequate storm sewer systems.

During the period from the 1920s extending to the 1940s the City of Keokuk frequently installed small capacity intakes that were connected directly to the sanitary sewer system. Many of these intakes were located in systems that were designed as separate sewer systems. The large number of small capacity intakes transformed many of these sewer systems into partially combined sewer systems.

From approximately 1939 through the mid-1980s the sewer systems constructed in the City of Keokuk were constructed as separate sanitary sewer systems. By the 1950s the practice of installing intakes on separate sanitary sewers had ended. Most of the sewers constructed during this era were tributary to the Main Trunk Outfall that included both combined sewer flow and separate sanitary flow.

As the combined sewer system developed, several overflows were constructed to divert flow from the combined sewer system. The overflows can be categorized into major overflows and minor overflows.

The major overflows are located on the large capacity combined sewer system and are designed to discharge relatively large volumes of combined sewer flow directly to the Mississippi River and Soap Creek. The minor overflows are located on smaller capacity combined sewers. The minor overflows were generally constructed to relieve surcharging in the upper reaches of the combined sewer system. Many of the minor overflows consist of no more than a bypass pipe discharge directly to a receiving stream or river.

The City of Keokuk has completed an inspection and evaluation of all of the combined sewer overflows. The status report of all of the overflows is shown in Table II-1 on the following page.

The analysis has identified seven overflows that remain active in the combined sewer system.

CSO Outfall Numbers 004 and 011 were eliminated in 2010 by the City of Keokuk with the construction of improvements that separated the sanitary and storm sewer flows. Cost of the project was approximately \$4.4 million.

CSO Outfall Number 012 was eliminated as part of a reconstruction project by Roquette America, a private industry within the City.

Table No. II-1
Keokuk, Iowa
Overflow Descriptions

CSO Outfall Number	Type	Location	Status
001	WPCP Discharge	Water Pollution Control Plant	In Permit
002	Combined Sewer Overflow	3 rd and Des Moines Street	In Permit
004	Combined Sewer Overflow	7th Street and Soap Creek	Has been eliminated
005	Combined Sewer Overflow	5th Street and Soap Creek	In Permit
006	Combined Sewer Overflow	Bank Street Lift Station	In Permit
011	Combined Sewer Overflow	10th Street and Soap Creek	Has been eliminated
012	Combined Sewer Overflow	"B" Street and Commercial Alley	Has been eliminated
013	Combined Sewer Overflow	Victory Park and Blondeau Street	In Permit
014	Combined Sewer Overflow	Victory Park under the Bridge	In Permit
015	Combined Sewer Overflow	Victory Park and Verity Museum	In Permit

NINE MINIMUM CONTROLS STATUS

Currently the City of Keokuk's Combined Sewer System operates under the Nine Minimum Controls as published in the April 19, 1994 Federal Register. The nine minimum controls are operating as described in Appendix A.

LONG TERM GOALS AND OBJECTIVES

The long term control plan for the City of Keokuk is based on a concept of reducing the extent of the combined sewer system through a series of capital improvement projects focusing on reduction of overflows and sewer separation. The long term control plan recognizes the magnitude of the capital improvements necessary to reduce the extent of the combined sewer system. The long term strategy plan develops a multi-year phased program of prioritized improvements to reduce the extent of combined sewer overflows by optimizing the performance characteristics of the existing combined sewer system and reduction of the total combined sewer flow by sewer separation and reduction of storm water entry.

The goals and objectives used in the development of the long term control plan include:

- elimination of unnecessary combined sewer overflows.
- reduce overall storm water entry into sewers
- elimination of hydraulic restrictions in combined sewer system to assist in optimizing performance.
- optimize performance of existing combined sewer trunk area and interceptor sewers.
- provide flow monitoring, sampling and floatable control at overflows to the extent such improvements are practical and economical.
- reduce combined sewer flow through continuation of sewer separation.
- prioritize sewer separation based on cost and benefit.
- coordinate all future capital improvements in the combined sewer area with goals and objectives of long term control plan.
- construct improvements consistent with the financial resources of the City of Keokuk.

COORDINATION WITH TREATMENT FACILITY IMPROVEMENTS

Concurrently with the development of this long term strategy, the City of Keokuk is designing plans to address treatment needs and to maximize flows at the water pollution control plant. Estimated project costs for the Water Pollution Control Plant Improvements is estimated to be approximately \$6.0 million.

PART III - LONG TERM STRATEGY - NARRATIVE DESCRIPTION

OVERFLOW STATUS

The City of Keokuk has evaluated each of the existing combined sewer overflows (CSOs) in its combined sewer system. The location of the CSOs are shown in Figure 1. CSO Nos. 004, 011 and 012 have been eliminated and are not shown.

LONG TERM STRATEGY

The City of Keokuk has evaluated each of the elements of its combined sewer system and developed a long term control plan consistent with the goals and objectives of the City of Keokuk.

The City of Keokuk has identified a seven phase plan to address its combined sewer overflows. The seven phase plan is designed to continue existing projects. The plan provides an outline of orderly elimination and/or control of the combined sewer overflows in the City of Keokuk.

The goal of the seven phase plan will be to reduce flows in the combined sewer system to a level where system overflows will be reduced to no more than an average of four to six overflow events per year. The strategy is based on the "presumption approach" as described in the EPA CSO Control Policy.

Each of the seven phases of the plan will include specific projects and improvements. A description of the work completed and each of the seven phases of the long term control plan and the element of each phase is as follows:

WORK COMPLETED

Bank Street Lift Station. This project involved constructing a new Bank Street lift station in the vicinity of the existing one. Sanitary flow from the Victory Park area enter the lift station via the interceptor. The flow is forced by two pumps each with a capacity of 225 gpm through 1,900 feet of force main placed along Water Street, running west into an existing sanitary manhole. From there gravity flows to the Water Pollution Control Plant. The existing force main that forces the flow up Bank Street to South 3rd Street into the Main Trunk sewer has been abandoned. Replacing the Bank Street lift station allows all the flow from the Victory Park Area to go directly to the Water Pollution Control Plant, eliminating it from the combined system that involves the overflow for CSO 002.

Separation of CSO 012. This project involved separating the combined sewer and eliminating overflow 012 in the area of 'B' Street and Commercial Alley. This project was part of a reconstruction project for the area by Roquette America.

Soap Creek Sewer Separation. This project involved the construction of both storm sewers and sanitary sewers to separate the combined sewer system (CSS). This project eliminated CSO Nos. 004 and 011 within the Soap Creek drainage basin.

Phase I - Water Pollution Control Plan Improvements

The Water Pollution Control Plant receives unregulated flow from the combined sewer system. Dry weather flows and storm flows up to a combined flow rate of 7.5 million gallons per day (mgd) receive both primary and secondary treatment. Flow rates received above 7.5 mgd only receive primary treatment. The two flow streams are blended prior to discharging to the Mississippi River.

As a part of the improvements at the Water Pollution Control Plant, the capacity of the plant to handle and treat flows will be increased from 7.5 mgd to 13.16 mgd. Disinfection will be added so all 13.16 mgd of flow will be disinfected prior to discharge. A control gate will be added at CSO No. 002 at Des Moines and 3rd Street to regulate the flow received at the Water Pollution Control Plant to prevent the plant from being overloaded. The estimated project cost for increasing the capacity of the Water Pollution Control Plant is approximately \$1,000,000. Project schedule is to complete construction by the end of 2015.

Phase II - Victory Park Sewer Separation

This project involves the construction of a separate storm sewer and sanitary sewer in the Victory Park area located between Timea and High Street and 2nd Street and the Mississippi River. The preliminary separation plan involves constructing new storm sewers, manholes, and intakes. The existing combined sewers will be left as the sanitary sewers. Once all the storm connections are redirected to the new storm sewer line, the overflow discharges 006, 013, 014 and 015, which are connected to the existing combined sewer, will be eliminated. The estimated project cost is \$3,600,000. Project schedule is to complete construction by the end of 2015.

Phase III - 9th Street and Grand Avenue Storm Sewer and CSO 005 Elimination

This phase involves two separate projects. The first project is the construction of a storm sewer near the intersection of 9th Street and Grand Avenue to separate and direct storm flows to the Mississippi River in the neighborhood. The second project is the elimination of CSO No. 005 with modifications to the diversion structure at 5th Street and Soap Creek to eliminate the CSO. The estimated project cost is \$600,000. Project schedule is to complete construction by the end of 2014.

Phase IV - Rand Park Storm Water Diversion

A major conclusion from the Storm Drainage Study prepared by Larkin Associates in 1993 was to reduce or eliminate the storm water flow into the combined sewer system. One of the larger peak runoff areas, sub-basin #6 shown in Figure 2, has been an on going problem for over 100 years and is the only area within the City of Keokuk limits where there is an opportunity to separate a significant amount of storm water run off from entering the combined sewer system. As part of the study, several alternative improvements were recommended for this area. The most feasible option for this area is storm water diversion in Rand Park.

This project involves diverting approximately 16.4% of the total sewer flow out of the combined system and into the Mississippi River. The project area is located in Rand Park. The construction of the project will involve the use of open cut and boring and lining of a tunnel approximately 2,400 ft in length, out letting directly to the Mississippi River, upstream of Lock & Dam 19. The estimated project cost is \$11,000,000. Project schedule is to complete construction by the end of 2016.

Phase V- Basins 1, 2 and 3 Storm Sewer Separation

The phase V improvements will be located in the 1, 2, and 3 drainage basins as shown in Figure 2. These basins are located in the north central part of the City. The majority of storm and sanitary flow from these areas is conveyed to the Main Trunk system which contributes to CSO 002. New intakes and storm sewers will be constructed and the existing combined sewer system will remain as the sanitary sewer. Storm water will be diverted to the Rand Park storm sewer constructed as a part of Phase IV.

As part of the separation plan, in an attempt to detain the runoff and slowly release it at manageable flows, a detention basin is proposed during Phase V. These improvements were recommended as part of a Storm Drainage Study prepared by Larkin Associates in 1993. Detaining the storm water and out letting it to the streams will significantly reduce flooding and also significantly reduce storm water flow in the combined sewers.

A proposed detention basin involving both excavation and a ten-foot-tall embankment was investigated. The proposed location of the detention basin is north of the intersection of 19th and Blondeau. This basin operating alone reduced the peak runoff of the 25-year storm at the most downstream point of the system by ten percent. Approximately eleven acre-feet of storage was used during the 25-year event.

The estimated project cost for Phase V is \$10,000,000. Project schedule is to complete construction by 2018.

Phase VI - Basin 7 and 8 Storm Sewer Separation

The phase VI improvements will be located in the 7 and 8 drainage basins as shown in Figure 2. These basins are located in the south east part of the City. The majority of storm and sanitary flow from these areas is conveyed to the Main Trunk system which contributes to overflow 002. New intakes and storm sewers will be constructed and the existing combined sewer system will remain as the sanitary sewer. Storm water will be diverted to the Rand Park storm sewer constructed as a part of Phase IV.

The estimated project cost for Phase VI is \$16,000,000. Project schedule is to be completed with construction by the end of 2020.

Phase VII - Basin 4 Storm Sewer Separation

The Phase VII improvements will be located in drainage basin No. 4 as shown on Figure No. 2. This basin is located in the west central part of the City. The majority of storm and sanitary flow from these areas is conveyed to the Main Trunk system which contributes to overflow 002. New intakes and storm sewers will be constructed and the existing combined sewer system will remain as the sanitary sewer. Storm water will be diverted to the Rand Park storm sewer constructed as a part of Phase IV.

The estimated project cost for Phase VII is \$10,000,000. Project schedule is to complete construction by the end of 2030.

PRIORITIZATION AND FUNDING

The City of Keokuk has been aggressive in trying to secure grant funding for the sewer separation project. Community Development Block Grants (CDBG) and State and Tribal Assistance (STAG) grant applications have been submitted. To date funding has not been secured. The city is in the process at looking at sewer rates to try to fund some of the work internally through the State Revolving Fund (SRF).

Currently there are approximately 10,780 residents of the City of Keokuk. The residential rates are a \$10.73 minimum bill for 5000 gallons of water use. At this point the sewer fund breaks even and any additional capital improvements would need to be funded with loans or grants. Loan payments would almost definitely require a sewer rate increase.

The phasing of the improvements was primarily developed based on the need and desire of the city. It was also noted that the sampling to date shows very low loadings. Therefore based on current sampling data and the difficult financial position of the city it is believed the phased approach shown is very optimistic without significant grant contributions.



EXISTING SYSTEM LEGEND

COLOR

PIPES

STORM SEWER

SANITARY SEWER

COMBINED SEWER

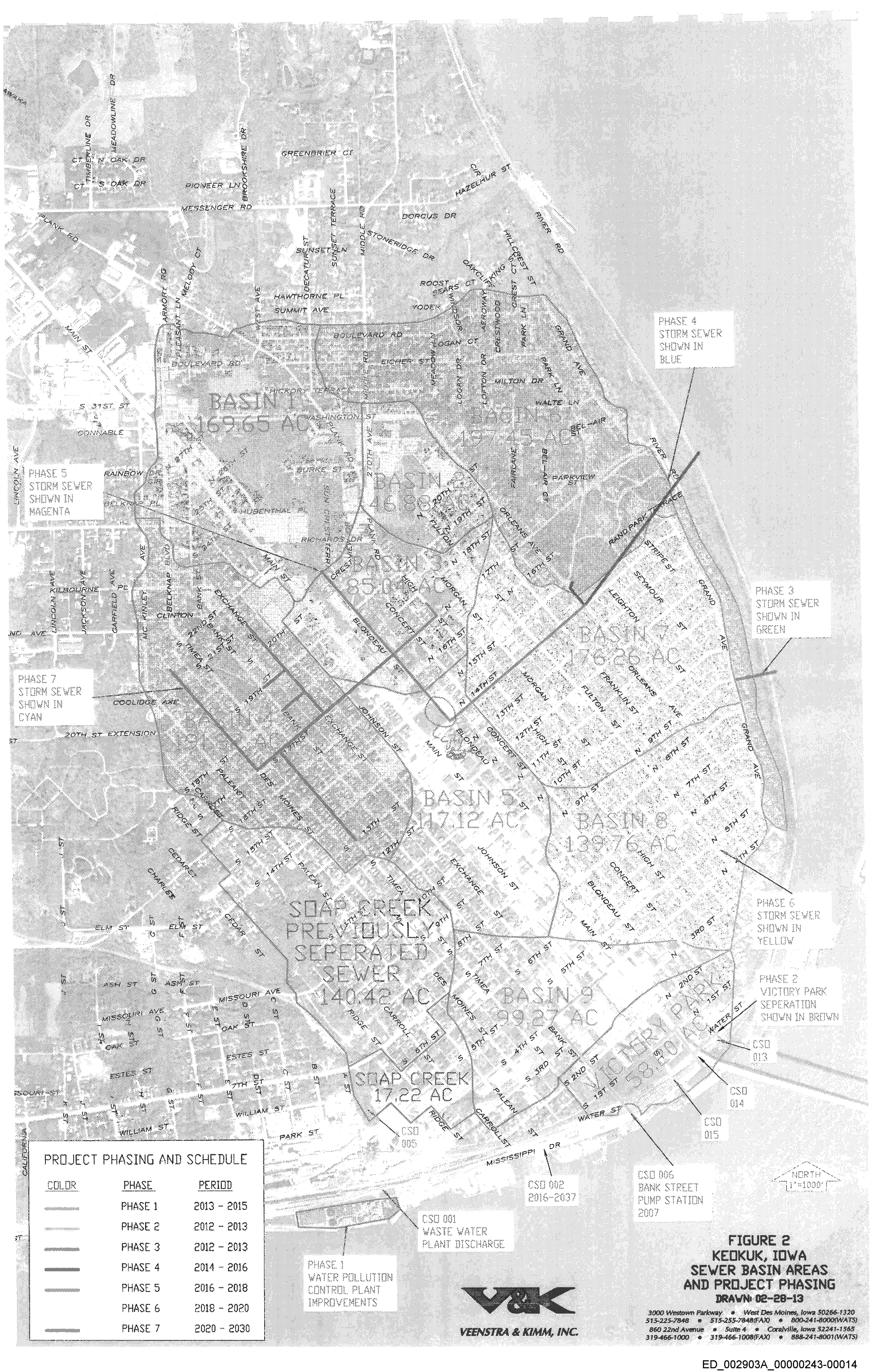
NORTH
1"=1000'

FIGURE 1
KEOKUK, IOWA
EXISTING SYSTEM
DRAWN: 02-28-13



VEENSTRA & KIMM, INC.

3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-223-7848 • 515-235-7848(FAX) • 800-241-8000(WATS)
860 22nd Avenue • Suite 4 • Coraville, Iowa 52241-1565
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WATS)



PHASE 4
STORM SEWER
SHOWN IN
BLUE

PHASE 5
STORM SEWER
SHOWN IN
MAGENTA

PHASE 3
STORM SEWER
SHOWN IN
GREEN

PHASE 7
STORM SEWER
SHOWN IN
CYAN

PHASE 6
STORM SEWER
SHOWN IN
YELLOW

PHASE 2
VICTORY PARK
SEPERATION
SHOWN IN BROWN

PROJECT PHASING AND SCHEDULE

COLOR	PHASE	PERIOD
————	PHASE 1	2013 - 2015
————	PHASE 2	2012 - 2013
————	PHASE 3	2012 - 2013
————	PHASE 4	2014 - 2016
————	PHASE 5	2016 - 2018
————	PHASE 6	2018 - 2020
————	PHASE 7	2020 - 2030

PHASE 1
WATER POLLUTION
CONTROL PLANT
IMPROVEMENTS

CSD 001
WASTE WATER
PLANT DISCHARGE

CSD 002
2016-2037

CSD 006
BANK STREET
PUMP STATION
2007

CSD 013

CSD 014

CSD 015

FIGURE 2
KEOKUK, IOWA
SEWER BASIN AREAS
AND PROJECT PHASING
DRAWN: 02-28-13



3000 Westown Parkway • West Des Moines, Iowa 50266-1320
515-225-7848 • 515-255-7848(FAX) • 800-241-8000(WATS)
860 22nd Avenue • Suite 4 • Coralville, Iowa 52241-1363
319-466-1000 • 319-466-1008(FAX) • 888-241-8001(WATS)

APPENDIX A

LTCP - EZ FORMS AND SCHEDULES

GENERAL INFORMATION

1. Community Information	Community name	NPDES permit number	Date
	Keokuk, Iowa	5640001	2/28/13
	Name of the entity that owns and operates your facility	Facility name	
	City of Keokuk	Water Pollution Control Plant	
	Street address		
	1100 Mississippi Drive, PO Box 400		
City, State, and ZIP Code			
Keokuk, Iowa 52632			
Telephone number	Fax number	E-mail address	
319-524-3412	319-524-2642	chuckpietscher@cityofkeokuk.org	

2. System Type (check one)	<input checked="" type="checkbox"/> CSS with a WWTP		
	<input type="checkbox"/> CSS without a WWTP		
3. CSS	a Area of CSS in acres	3a	1298.67
	b Number of CSO outfalls	3b	6
4. WWTP	a Primary treatment capacity in MGD	4a	7.500
	b Secondary treatment capacity in MGD	4b	25.000
	c Average dry weather flow in MGD	4c	1.700

NINE MINIMUM CONTROLS

5. NMC	<input type="checkbox"/> Previously submitted documentation attached.
	<input checked="" type="checkbox"/> Schedule 1-- NMC attached.

SENSITIVE AREAS

6. Sensitive Areas	a Are sensitive areas present?
	<input type="checkbox"/> No. No. Provide explanation of how determination was made and continue to Line 7. Explanation:
	<input checked="" type="checkbox"/> Yes. Continue to Line 6b.
	b Enter the type(s) of sensitive areas for all CSO receiving waters
	Threatened or endangered species of butterfly mussels. Waters with primary contact recreation
	c List the permitted CSCs that may impact sensitive areas. Add detail on impacts where available.
	002, 006, 013, 014, 015
d Are sensitive areas impacted by CSO discharges?	
	<input checked="" type="checkbox"/> No. Continue to Line 7.
	<input type="checkbox"/> Yes. Check instructions to see if use of this Template is appropriate.

WATER QUALITY CONSIDERATIONS

7. Water Quality Considerations	a Have local waterbodies been listed as impaired?
	<input type="checkbox"/> No. Provide explanation of how determination was made and continue to Line 8. Explanation:
	<input checked="" type="checkbox"/> Yes
	b List causes or sources of impairment below. Check instructions to see if use of this Template is appropriate.
	Arsenic, cadmium, aluminum and bacteria. Sources unknown.
	c Has a TMDL been scheduled for the impaired waterbodies?
	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Yes. If yes, provide date: _____

Community Name <i>Keokuk, Iowa</i>	NPDES number <i>5640001</i>	Date <i>2/28/13</i>
---------------------------------------	--------------------------------	------------------------

SYSTEM CHARACTERIZATION

 8. Location ☒ Map or sketch of the CSS. Attach Schedule 2--MAP.

		CSO 001	CSO 002	CSO 003	CSO 004	CSO 005	CSO 006
9. CSO Information	a Permitted CSO number	9a 002	005	006	013	014	015
	b Description of location	9b 3rd Street and Des Moines Street	5th Street and Soap Street	Bank Street at Mississippi River	Victory Park and Blondeau Street	Victory Park (Under the Bridge)	Victory Park and Venty Museum
	c Latitude/Longitude	9c 402319N 912310W	402322N 912336W	402322N 912255W	402332N 912240W	402329N 912244W	402327N 912248W
	d Receiving water	9d Mississippi River	Soap Creek	Mississippi River	Mississippi River	Mississippi River	Mississippi River
10. CSS Information	a Sub-sewershed area (acres)	10a 1,233.25	17.22	14.55	14.55	14.55	14.55
	b Principal land use	10b Mixed Use	Medium Density Residential	Mixed Use	Mixed Use	Mixed Use	Mixed Use
11. Pipe, Capacity and Flow Information	a Type of CSO hydraulic control	11a Weir	Weir	Weir	Weir	Weir	Weir
	b CSO hydraulic control capacity (MGD)	11b 7.192	2.484	0.081	0.081	0.081	0.081
	c Name of interceptor or downstream pipe	11c Gravity Sewer to WPCP	Forcemain to WPCP	Forcemain to Soap Creek Lift Station	Gravity to Bank Street Lift Station	Gravity to Bank Street Lift Station	Gravity to Bank Street Lift Station

PUBLIC PARTICIPATION

 12. Public Participation ☒ Description of public participation activities. Attach Schedule 3--PUBLIC PARTICIPATION.

CSO VOLUME

 13. CSO Volume ☒ Analysis of the volume of combined sewage that needs to be stored, treated, or eliminated. Attach Schedule 4--CSO VOLUME.
☐ Separate documentation of the analysis of combined sewage volume. Attach documentation.

EVALUATION OF CSO CONTROLS

 14. CSO Controls ☒ Evaluation of CSO control alternatives. Attach Schedule 5--CSO CONTROL.
☐ Separate documentation of the evaluation of CSO control alternatives. Attach documentation.

AFFORDABILITY

 15. Affordability ☐ Evaluation of financial capability. Attach Schedule 6--CSO AFFORDABILITY.
 a Check the appropriate affordability burden from Schedule 6--CSO AFFORDABILITY.
☐ Low Burden
☐ Medium Burden
☐ High Burden

(Form LTCP-EZ)

Community Name	NPDES number	Date
Keokuk, Iowa	5640001	2/28/13
RECOMMENDED CSO CONTROL PLAN		

16. Recommended

CSO Control
Plan

a. Summary of CSO Controls:

The proposed CSO Controls include 7 Phases. Phase 1 involves improvements to the Water Pollution Control Plant to increase the primary treatment capacity to 13.16 MGD. Phases 2 through 7 involve the separation of combined sanitary sewer in 1,065 acres of land. This will reduce the acreage of the City of Keokuk's combined sanitary sewer to 233 acres out of the 3,289 acres of land the City encompasses. This separation will eliminate overflows at CSO 005, CSO 006, CSO 013, CSO 014 and CSO 015, leaving only CSO 002. The remaining 233 acres of combined sanitary sewer will travel through CSO structure 002 and will be directed to Water Pollution Control Plant.

b. Summary of Cost of CSO Controls:

Anticipated costs for Phase 1, improvements to the Water Pollution Control Plant, are approximately \$1 million. The limiting factor at the existing Water Pollution Control Plant is the pumping station. Additionally, a flow control gate needs to be installed at the plant's influent to ensure the plant only receives flow in a volume it can treat. The \$1 million includes the cost to upgrade to higher capacity pumps, upgrade associated valves and piping, and to construct a diversion structure with a flow control gate at CSO 002 at 3rd Street and Des Moines Street. It also includes engineering, legal & administrative costs and contingencies.

Anticipated costs for Phase 2 through 7 are approximately \$51 million. These costs include the cost to separate the combined sanitary sewer in approximately 1,065 acres of land. This will reduce the amount of combined sanitary sewer to only 225 acres. The remaining combined sanitary sewer flow will be directed to the Water Pollution Control Plant.

c. Financing Plan:

The City of Keokuk will be applying for both SRF and CDBG financing options.

d. Implementation Schedule:

The Implementation of Improvements Schedule is as follows.

Phase 1 : 2013-2015

Phase 2 : 2013-2015

Phase 3 : 2013-2014

Phase 4 : 2014-2016

Phase 5 : 2016-2018

Phase 6 : 2018-2020

Phase 7 : 2020-2030

See Figure 2 to illustrates which combined sanitary sewer is to be separated in each phase.

Schedule 1. NMC - Nine Minimum Controls

➤ Attach to FORM LTCP-EZ

Attachment
Sequence # 01

Community name shown on FORM LTCP-EZ	NPDES number	Date
Keokuk, Iowa	5640001	2/28/13

For guidance on NMC documentation, see *Combined Sewer Overflows Guidance for Nine Minimum Controls* (<http://www.epa.gov/npdes/pubs/csom0030.pdf>).

NMC-1: Proper operations and regular maintenance programs for the CSS and CSO outfalls

The Keokuk sewer department has conducted a documented preventive maintenance and inspection program for the sewer system and CSOs since 1985. An emphasis on cleaning and inspections of sewers and outfalls provides for the maximum use of the collection system for storage. It also minimizes the frequency, magnitude, and duration of CSO. Cleaning and inspections are recorded. Any dry weather CSOs that do occur are currently reported to the DNR.

NMC-2: Maximum use of the CSS for storage

In addition to the items listed in control No. 1 above, the overflow weirs at CSOs No. 13, 14, 15, were raised to maximize storage in the collection system.

NMC-3: Review and modification of pretreatment requirements

The WPC Superintendent, Public Works Director, Sewer Manager and Community Development Director (Planning & Zoning) compared sewer maps with industrial users (IU) and major commercial locations in order to correlate industrially impacted CSOs. One (SIU) industrial user in the he pretreatment program discharges to CSO 002.

NMC-4: Maximization of flow to the POTW for treatment

Flow to the POTW will be maximized through full use of all flow trains and equipment at the POTW.

NMC-5: Elimination of CSOs during dry weather

See NMC-1.

NMC-6: Control of solid and floatable materials in CSOs

Most of the outfalls in our system are subject to being submerged by the Mississippi River by 15 feet or more, depending on the river state. Any devices used to collect floatable materials must be able to be submerged or float and also deal with high flow velocities at the CSOs. We have installed floating nets at CSO-002 which removes floatables.

NMC-7: Pollution prevention programs

The pollution prevention program will incorporate the current public education program with a further emphasis on environmental awareness. The Keokuk Middle School uses the Water Environment Federation's supplemental science curriculum on water. Plant tours are regularly given to high school and community college classes. Presentations for community service organizations will be used to further pollution prevention goals. Additional public education avenues will be considered. The city has an established street sweeping and leaf pickup programs to reduce litter and leaf residues from entering storm and CSOs. A number of rock alleys have been asphalted to prevent gravel from washing into combined sewers impeding both flow and storage capacity which has been a problem in the past. These programs will be reviewed to enhance their effectiveness in this area.

NMC-8: Public notification

Signs have been placed around CSOs, at driveways to remote CSO, and at nearby boat ramps to inform the public about CSOs. The signs are printed as follows:

The City of Keokuk maintains combined sewer outfalls near this site. Water contact after rain events should be avoided to limit bacterial ingestion. For more information call 319-524-3412.

NMC-9: Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls

The city has installed a permanent flow meter at the largest outfall (Third Street & Des Moines Street), CSO-002. The city began a comprehensive sampling and flow monitoring program for all CSOs in order to assess average impact on the receiving stream in 2003. In-stream sampling is included in the program.

Schedule 2. MAP - Map or Sketch of Combined Sewer System

➤ Attach to FORM LTCP-EZ

Attachment
Sequence # **02**

Community name shown on FORM LTCP-EZ	NPDES number	Date
Keokuk, Iowa	5640001	2/28/13

Map or sketch of your combined sewer system showing contributing areas, CSOs, interceptors, and WWTP as applicable

See attached maps, Figure 1 and Figure 2.

Schedule 3. Public Participation

Attachment
Sequence # 03

➤ Attach to FORM LTCP-EZ

Community name shown on FORM LTCP-EZ	NPDES number	Date
Keokuk, Iowa	5640001	2/28/13

Description of your Public Participation program.

CSO Awareness

Signs have been placed around CSOs, at driveways to remote CSOs, and at nearby boat ramps to inform the public about CSOs. The signs are printed as follows:

"The City of Keokuk maintains combined sewer outfalls near this site. Water contact after rain events should be avoided to limit bacterial ingestion. For more information call 319-524-3412."

Public Education

The pollution prevention program will incorporate the current public education program with a further emphasis on environmental awareness. The Keokuk Middle School uses the Water Environment Federation's supplemental science curriculum on water. Plant tours are regularly given to high school and community college classes. Presentations for community service organizations will be used to further pollution prevention goals. Additional public education avenues will be considered.

Public Involvement

Public meetings are held which discuss construction options. The most recent was a workshop held on January 10, 2013, which discussed the progress to-date on CSO-002 and the planning schedule for further sewer separation. Additional public involvement avenues will be considered.

Schedule 4. CSOVOL
(FORM LTCP-EZ)

Schedule 4. CSO VOLUME - Simplified Rational Method for Estimating the Volume of Combined Sewage To Be Treated, Stored, or Eliminated

> Attach to FORM LTCP-EZ

Attachment
Sequence #

04

Community name shown on FORM LTCP-EZ	NPDES number	Date
Keokuk, Iowa	5640001	2/28/13

		CSO 001	CSO 002	CSO 003	CSO 004	CSO 005	CSO 006
Sub-sewer-shed Area	1 Sub-sewershed area (acres). <i>Line 10a on Form LTCP-EZ.</i>	1 1.233 25	17 22	14.55	14.55	14.55	14.55
	2 Principal land use. <i>Line 10b on Form LTCP-EZ.</i>	2 Mixed Use	Medium Density Residential				
	3 Sub-sewershed runoff coefficient. <i>Use Table 1.</i>	3 0.50	0.40	0.50	0.50	0.50	0.50
Runoff	4 Design storm rainfall for 1-hour, 3-month storm (in/hr). <i>See instructions.</i>	4 0.75	0.75	0.75	0.75	0.75	0.75
	5 Calculated runoff rate (acre inch per hour). <i>Multiply lines 1, 3 and 4.</i>	5 462.47	5.17	5.46	5.46	5.46	5.46
	6 Peak runoff rate in MGD. <i>Multiply line 5 by 0.6517</i>	6 301.39	3.37	3.56	3.56	3.56	3.56
Dry Weather Flow Within the CSS	7 Dry weather flow rate (MGD). <i>See instructions.</i>	7 0.6322	0.0089	0.0075	0.0075	0.0075	0.0075
Peak Wet Weather Flow	8 Peak flow rate (MGD). <i>Add lines 6 and 7</i>	8 302.02	3.38	3.56	3.56	3.56	3.56
Overflow	9 CSO Hydraulic Control Capacity (MGD). <i>Line 11b on Form LTCP-EZ.</i>	9 7.19	2.48	0.08	0.08	0.08	0.08
	10 Ratio of CSO hydraulic control capacity to peak flow rate. <i>Divide line 9 by line 8. Enter 1.0 if line 8 is less than line 9.</i>	10 0.024	0.736	0.023	0.023	0.023	0.023
	11 Overflow fraction of combined sewage. <i>Determine from line 10 using instructions.</i>	11 0.953	0.070	0.955	0.955	0.955	0.955
	12 24-hr rainfall (inches). <i>Multiply Line 4 by 2.1.</i>	12 1.58	1.58	1.58	1.58	1.58	1.58
	13 Volume of runoff (MG). <i>Multiply lines 1, 3 and 12, then by 0.02715</i>	13 26.37	0.29	0.31	0.31	0.31	0.31
	14 Volume of dry weather flow (MG). <i>Enter value from line 7.</i>	14 0.63	0.01	0.01	0.01	0.01	0.01
	15 Total volume of flow (MG). <i>Add lines 13 and 14.</i>	15 27.00	0.30	0.32	0.32	0.32	0.32
	16 Volume of excess combined sewage (MG) at individual CSO hydraulic controls during 24-hour rainfall period. <i>Multiply line 11 by line 15.</i>	16 25.73	0.02	0.30	0.30	0.30	0.30
Diversion	17 Diversion fraction of combined sewage. <i>Determine from line 10 using Table 2.</i>	17 0.060	0.950	0.060	0.060	0.060	0.060
	18 Volume of runoff diverted to WWTP (MG). <i>Multiply line 13 by line 17.</i>	18 1.582	0.280	0.019	0.019	0.019	0.019
	19 Total volume of combined sewage conveyed to WWTP during 24-hour rainfall period (MG). <i>Add lines 14 and 18.</i>	19 2.214	0.289	0.026	0.026	0.026	0.026
Conveyance	20 Peak rate of collected combined sewage diverted to the WWTP within sub-sewersheds. <i>Enter smaller of line 8 and line 9.</i>	20 7.19	2.48	0.08	0.08	0.08	0.08
	21 Peak rate of combined sewage conveyed to WWTP (MGD). <i>Add up sub-sewershed values on line 20.</i>	21 10.000					
	22 Peak rate of sewage from non-CSO areas (MGD).	22 1.500					
	23 Peak rate of sewage from satellite communities (MGD).	23 0.000					
	24 Peak rate of sewage conveyed to WWTP (MGD). <i>Add lines 21, 22 and 23.</i>	24 11.500					
Treatment	25 Primary treatment capacity (MGD). <i>Line 4a on Form LTCP-EZ</i>	25 7.50					
	26 Ratio of primary capacity to peak rate of sewage conveyed to WWTP. <i>Divide line 25 by line 24. Enter 1.0 if line 24 is less than line 25.</i>	26 0.652					
	27 Fraction of combined sewage untreated at WWTP. <i>Determine from line 26 using instructions.</i>	27 0.121					
	28 Sum of combined sewage (MG) conveyed to WWTP during 24-hour rainfall period. <i>Add up sub-sewershed values on line 19.</i>	28 2.608					
	29 Dry weather flow from non-CSO areas (MGD).	29 1.029					
	30 Volume of sewage from non-CSO areas during 24-hour rainfall period (MG).	30 1.264					
	31 Dry weather flow from satellite communities (MGD)	31 0.00					
	32 Volume of sewage from satellite communities during 24-hour rainfall period (MG).	32					
	33 Total volume of sewage during 24-hour rainfall event (MG). <i>Add lines 28, 30 and 32.</i>	33 3.872					
	34 Volume of combined sewage untreated at WWTP. <i>Multiply line 33 by line 27. Enter 0.0 if line 25 is greater than line 24.</i>	34 0.468					
CSO Volume	35 Volume of combined sewage overflow at CSO Outfalls (MG). <i>Add up sub-sewershed values on line 16.</i>	35 26.968					
	36 Volume of combined sewage overflow at WWTP (MG). <i>Enter 0.0 if line 27 is 0.0. Otherwise enter line 34.</i>	36 0.468					

Schedule 5. CSO CONTROL - Evaluation of CSO Controls

Attachment
Sequence #

05

> Attach to FORM LTCP-EZ

Community name shown on FORM LTCP-EZ	NPDES number	Date
Keokuk, Iowa	5840001	2/28/13

Conveyance and Treatment at WWTP	1 Peak rate of sewage conveyed to WWTP (MGD). Line 24 on Schedule 4.	1	11.500
	2 Primary treatment capacity (MGD). Line 25 on Schedule 4	2	7.500
	3 Difference between primary treatment capacity and peak rate of sewage conveyed to WWTP (MGD). Enter -0- if line 2 is greater than line 1. Enter difference if line 2 is less than line 1.	3	4.000
	4 Additional primary treatment capacity required (MGD). See instructions.	4	5.660
	5 Unit cost of primary treatment per MGD. See instructions.	5	\$182,000
	6 Estimated cost of new primary treatment capacity at WWTP. Multiply line 4 by line 5.	6	\$1,030,120
	7 Volume of storage required at WWTP (MG). Enter value from line 3.	7	4.000
	8 Unit cost of additional storage at WWTP in (\$/MG). See instructions.	8	\$1,000,000
	9 Estimated cost of storage at WWTP. Multiply line 7 by line 8.	9	\$4,000,000

		CSO 001	CSO 002	CSO 003	CSO 004	CSO 005	CSO 006
Inflow Reduction - Residential	10 24-hour design rainfall (inches). Line 12 on Schedule 4	10	1.58	1.58	1.58	1.58	1.58
	11 Number of residential dwellings participating in inflow reduction.	11	0	0	0	0	0
	12 Average roof area of residential dwellings (square feet). See instructions.	12	1,200	1,200	1,200	1,200	1,200
	13 Runoff to CSS eliminated by inflow reduction (gallons). Multiply the product of lines 10, 11 and 12, by 0.6234.	13	0	0	0	0	0
	14 Volume reduction (MG). Divide line 13 by 1,000,000.	14	0.000	0.000	0.000	0.000	0.000
	15 Unit cost per dwelling for residential inflow reduction. See instructions.	15	\$250	\$250	\$250	\$250	\$250
	16 Estimated cost of residential inflow reduction. Multiply line 11 by line 15.	16					
Sewer Separation	17 Sub-sewershed area to be separated (acres).	17	1006.86	0	14.55	14.55	14.55
	18 Runoff coefficient of area to be separated. Line 3 on Schedule 4.	18	0.50	0.40	0.50	0.50	0.50
	19 Runoff to CSS eliminated due to sewer separation (gallons). Multiply the product of lines 10, 17, and 18 by 27,156.	19	21,532,054	0	311,157	311,157	311,157
	20 Volume reduction (MG). Divide line 19 by 1,000,000.	20	21.532	0.000	0.311	0.311	0.311
	21 Unit cost for separation per acre. See instructions.	21	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000
	22 Estimated cost of sewer separation. Multiply line 17 by line 21.	22	\$48,329,280	\$0	\$698,400	\$698,400	\$698,400
Off-Line Storage	23 Volume reduction to be achieved with storage (MG). Enter proposed volume of storage required.	23	0.000	0.000	0.000	0.000	0.000
	24 Unit cost per MG of storage. See instructions.	24	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
	25 Estimated cost of storage. Multiply line 23 by line 24.	25	\$0	\$0	\$0	\$0	\$0
Summary of Control and Costs	26 Volume reduction from CSO controls in sub-sewershed (MG). Add lines 14, 20 and 23.	26	21.532		0.311	0.311	0.311
	27 Cost of CSO controls in sub-sewershed. Add lines 16, 22 and 25.	27	\$48,329,280		\$698,400	\$698,400	\$698,400
Totals	28 Total volume reduction in sub-sewersheds (MG). Add up volumes across line 26.	28	22.777				
	29 Total cost of CSO controls in sub-sewersheds. Add up costs across line 27.	29	\$51,122,880				
	30 Total cost of additional treatment or storage at WWTP. Select cost on line 6 or line 9 or leave blank if no controls are planned for WWTP.	30	\$1,030,120				

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 5/5/2017 2:53:27 PM
To: Palich, Christian [palich.christian@epa.gov]
Subject: RE: Contact

Sounds great – let's do that. Let me know when you'll next be on the hill and have some free time.

Have a great weekend!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Palich, Christian [mailto:palich.christian@epa.gov]
Sent: Friday, May 5, 2017 10:52 AM
To: Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>
Subject: RE: Contact

Hi Devin,

Was great to meet you as well, let's get coffee soon and swap farm stories, definitely not a lot of us in DC. Look forward to working with you and never hesitate to reach out with questions.

Enjoy the weekend!

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
O: 202.564.4944
C: [Ex. 6 Personal Privacy (PP)]
E: Palich.Christian@epa.gov

From: Mogler, Devin (Ernst) [mailto:Devin_Mogler@ernst.senate.gov]
Sent: Friday, May 5, 2017 10:39 AM
To: Palich, Christian <palich.christian@epa.gov>
Subject: Contact

Christian,

Good meeting you earlier this morning, and thanks for coming by the Western Caucus huddle. Always good to meet a fellow farm kid out here and it's great to actually have accessible leg affairs folks at EPA again for a change!

Looking forward to working with you.

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

Message

From: Mogler, Devin (Ernst) [Devin_Mogler@ernst.senate.gov]
Sent: 5/19/2017 8:04:58 PM
To: Bennett, Tate [Bennett.Tate@epa.gov]; Palich, Christian [palich.christian@epa.gov]
CC: Groen, Stephanie [stephanie.groen@iowa.gov]; Kovarik, Kurt (Grassley) [Kurt_Kovarik@grassley.senate.gov]; Moore, Andrew [Andrew.Moore@mail.house.gov]
Subject: FW: Corn Oil One and EPA issue
Attachments: Pathways for Vegetable Oils for Bio-Diesel.pptx; 2016.11.11 CO1 Analysis and Determination Letter.pdf; Grassley.Letter.DCO.pdf; BobRileyErnstGrassley41017ltrhd.pdf; Corn Oil One Support Letter.pdf; Grassley.Letter.CornOil1.final.pdf

Tate and Christian,

Thank you so much for your time today – very much appreciate you coming to the hill to hear our concerns about a very narrow issue, which hopefully can be cleared up relatively easily.

I've attached most of the documents we discussed, and as you can see in Mr. Riley's email below, he will be back on June 21 and 22, though could make another time work as well.

Kurt or I will forward along some additional information from the other industry players separately.

Thanks again, and have a great weekend!

Devin Mogler | Legislative Assistant
U.S. Senator Joni Ernst | 111 Russell

From: Robert Riley [mailto:rgrileyjr@feedenergy.com]
Sent: Saturday, May 13, 2017 2:25 PM
To: Kovarik, Kurt (Grassley) <Kurt_Kovarik@grassley.senate.gov>; Mogler, Devin (Ernst) <Devin_Mogler@ernst.senate.gov>; Moore, Andrew <Andrew.Moore@mail.house.gov>
Cc: McKay, Aaron (Grassley) <Aaron_McKay@grassley.senate.gov>; Dolch, Michael (Ernst) <Michael_Dolch@ernst.senate.gov>; Joseph Riley - Cornoil1 <jpriley@cornoilone.com>; Brown, Tyler (Ernst) <Tyler_Brown@ernst.senate.gov>; Andrews, Joshua L. <Joshua.Andrews@FaegreBD.com>
Subject: Corn Oil One and EPA issue

Kurt and Devin:

Thank you very much for taking the meeting with me when I was in DC for the Des Moines Partnership meeting.

I believe we determined that the next step was for us to present a letter to Administrator Pruitt or his Chief of Staff, explaining the situation (simply) and request a face to face meeting.

I believe you thought the summary at the end of my small, illustrated slide deck was sufficient (see below) but if it needs to be a little more elaborate, I can do that. (I have attached the slide deck to this email as an attachment)

I will be in DC again on June 21 and 22, and would be available for a meeting at that time. However, if I need to come in at another time that is more convenient for EPA and either Senator Ernst or Grassley or Congressman Young, I would be glad to travel to DC separately.

I am also attaching the technical analysis of our products showing that there is no substantial difference within our process, which should be sufficient for the EPA to designate our product as compliant with RFS2. This analysis was done by Eco Engineers. Eco Engineers is a leader in RFS2 Compliance and serves a significant share of ethanol and biodiesel companies for RIN auditing and RIN Quality Assurance Programs (QAP). The EPA relies on Eco Engineers to audit ethanol and biodiesel companies every year.

Additionally, I am attaching the letters of support from Iowa Economic Development Authority, numerous trade organizations here in Iowa, and various ethanol plant general managers. There is also a draft letter that we composed that is a more formal ask to the EPA administrator from Senators Ernst and Grassley. I believe Stephanie from the DC office of Governor Branstad has also provided support.

Please let me know what I can do to further this process along. As I mentioned, time is of the essence, as we are close to shutting down.

Somewhere in the EPA bureaucracy Corn Oil One is getting stuck, we continue to get “No” from people who cannot, or will not, tell us, “Yes”. We hope that this information, when communicated at the right level in the EPA (someone who has the authority to tell us “Yes”) will see the arbitrary way the EPA is treating CO1’s products and will make the right decision to allow us to participate in the market, before we are forced to close our doors, costing Iowa jobs now, and in the future, if we are allowed to participate and expand.

Thank you in advance for your help on this matter. Please call or provide me with a return email verifying our next steps, and a timetable in which we can proceed.

Verbiage for letter to Pruitt:

EPA Administrator Pruitt:

Corn Oil 1, co-located at the Southwest Iowa Renewable Energy (SIRE) ethanol plant in Council Bluffs, is a technology, and a company, invented, built and owned by Iowans to add value to Iowa farmers, and add value to the ethanol and biodiesel industries. We can refine distiller’s corn oil produced from Iowa’s ethanol plants.

Our Corn Oil 1 plant was built and ready to run in February of 2015, when the EPA arbitrarily applied a term (bio-intermediary) and put us into that category, shutting off access to the biodiesel industry as specified in the RFS2. This has cost us millions of dollars, and might be the death of our company. The maddening part of our Corn Oil 1 – EPA situation is that the material flow and processing steps are exactly the same as the Soy oil industry, and they are free to participate in this market, under the same RFS2 rules!

- EPA arbitrarily classified Corn Oil 1 as a bio-intermediary, shutting us out of the RFS2 bio-diesel market. This has harmed Corn Oil 1 substantially, and has hurt the biodiesel and ethanol industry.
- By making this “distinction without a difference,” EPA has denied Corn Oil 1 access to the marketplace, while the other vegetable oil sectors, following an identical pathway, have access to freely trade in this market.
- Corn Oil 1 needs to be immediately certified by the EPA as a qualified supplier, the same as other vegetable oils, under the original RFS2 designation. Without this, Corn Oil 1, and the industries it serves, will be irreparably damaged

Please allow our congressional delegation and me to have a meeting to discuss this at your earliest convenience.

Robert G. Riley, Jr.
Chairman
Corn Oil 1
A member of Riley Resource Group
4400 E. University Ave.
Pleasant Hill, Iowa 50327
rgrileyjr@rileyresourcegroup.com
www.rileyresourcegroup.com

Ex. 6 Personal Privacy (PP)	(O)
	(C)
	(F)

nondum metam ("not yet at my goal")

Without faith, we wouldn't drink the water.

I arise in the morning torn between a desire to save the world and a desire to savor the world. That makes it hard to plan the day. *E.B. White*

"The test of our progress is not whether we add to the abundance of those who have much, it is whether we provide enough for those who have too little." Franklin D. Roosevelt

"Currently," said Sweidan, "there are a herd of environmental **black elephants** gathering out there" — global warming, deforestation, ocean acidification, mass extinction and massive fresh water pollution. "When they hit, we'll claim they were black swans no one could have predicted, but, in fact, they are **black elephants**, very visible right now."

—Thomas L. Friedman, "Stampeding Black Elephants"

'I beseech you, in the bowels of Christ, think it possible you may be mistaken.'¹ Oliver Cromwell

'One always can be mistaken, but one sometimes is not.'¹ Richard Robinson



ECOENGINEERS
People Driven Solutions

300 E. Locust, Ste 313
Des Moines, Iowa 50309
Phone: 515-985-1260
www.ecoengineers.us

November 11, 2016

Joseph P. Riley
Corn Oil One
4400 E University Ave
Pleasant Hill, IA 50327

RE: REVIEW OF CORN OIL ONE FEEDSTOCK FOR CONFORMANCE TO THE DEFINITION OF “NON-FOOD GRADE CORN OIL” UNDER 40 CFR 80 SUBPART M

1.0 PURPOSE

The purpose of this regulatory analysis is to determine whether EcoEngineers considers the Corn Oil One feedstock to classify under the EPA definition of “non-food grade corn oil” and is eligible as a feedstock for biodiesel and renewable diesel production under the Renewable Fuel Standard (RFS) 40 CFR 80 Subpart M. Furthermore, this analysis will determine whether EcoEngineers considers this feedstock to be a “biointermediate” under the proposed “REGS” rulemaking and biofuel gallons produced from the feedstock eligible to be validated under the EcoEngineers EPA Approved Q-RIN Quality Assurance Program.

Please note that this determination from EcoEngineers is not a substitute for a determination from the EPA and does not provide Corn Oil One nor any biofuel producer who processes Corn Oil One feedstock any indemnification under the Renewable Fuel Standard, 40 CFR 80 Subpart M.

2.0 RFS REGULATORY FRAMEWORK

USEPA Definition of Corn Oil:

According to the EPA determination letter addressed to the Corn Refiners Association, dated October 24, 2013:

“In the context of the Renewable Fuel Standard (RFS) and Table 1 to §80.1426, non-food grade corn oil refers to corn oil produced at a dry mill corn ethanol plants by extraction from the Distiller Grains (DG) co-product... only biodiesel and renewable diesel from corn oil that was produced by the extraction process at dry mill corn ethanol plants would be eligible to generate RINs under the existing non-food grade corn oil pathways in Table 1 to §80.1426. The existing pathway does not apply to corn oil derived by fractionation at a dry mill corn ethanol plant or corn oil derived from corn wet milling.”

USEPA Definition of a Biointermediate Feedstock:

According to the preamble of the proposed rulemaking, “Renewables Enhancement and Growth Support Rule” (REGS), pre-published on October 3, 2016, “the definition of a “biointermediate feedstock” is any renewable fuel feedstock material that meets all of the following criteria:

- It is derived from renewable biomass



- It does not meet the definition of renewable fuel and RINs were not generated for it
- It is produced at a facility that is registered with the EPA, but which is different than the facility at which it is used to produce renewable fuel
- It is made from the feedstock and will be used to produce the renewable fuel in accordance with the processes listed in the approved pathway
- It is processed in such a way that it is substantially altered from the feedstock listed in the approved pathway

In addition, we are proposing that any feedstock listed in Table 1 to 40 CFR 80.1426 or in an approved pathway pursuant to 80 CFR 80.1416 is not a biointermediate, and that a mere form change to renewable biomass does not create a biointermediate ... In addition, certain processing of feedstocks would not result in sufficient alteration to result in a biointermediate ... We are proposing that renewable biomass subject to these types of processing (chopping, filtering, degumming vegetable oils, drying, adding water) would be excluded from the definition of biointermediate and, therefore, that such activities can be conducted at a different facility than the facility producing renewable fuel without triggering the need for the additional recordkeeping, reporting, and registration requirements being proposed for producers of biointermediates."

3.0 CORN OIL ONE FEEDSTOCK ANALYSIS

Description of Corn Oil One Feedstock:

Non-Food Grade Corn oil is produced at the Southwest Iowa Renewable Energy (SIRE) Dry-Mill Ethanol Plant (or other dry-mill ethanol plants). The corn oil enters the co-located Corn Oil One facility where a dilute solvent (composed of ethanol and water) is added in order to solubilize soaps out of the corn oil. The final Corn Oil One feedstock is corn oil which has had Free Fatty Acids (FFAs), moisture and waxes removed.

Laboratory Analysis from Iowa Central Fuel Testing Labs (ICFTL):

Two (2) samples of crude corn oil and two (2) samples of Corn Oil One feedstock were submitted to Iowa Central Fuel Testing Laboratory for feedstock forensic analysis testing by gas chromatograph on November 7, 2016. ICFTL is an ISO-9001:2008 accredited laboratory and has analyzed over 100 feedstock samples by gas chromatograph under the EcoEngineers Q-RIN Quality Assurance Program. Tables 1 and 2 summarize the results of the laboratory analysis.

Table 1: Summary of Crude Corn Oil Samples: 84683, 87846

Component	% Sample 84683	% Sample 87846
Triglycerides	76.42	70.41
Diglycerides	5.49	5.64
Glycerol	.04	.04
Methyl Esters	0	0
Ethyl Esters	2.14	3.39
Fatty Acids	14.59	18.57
Monoglycerides	0.17	.22
Squalene	.09	.14



Tocopherol	.08	.11
Sterols	.86	1.21
Other	.13	.28

Table 2: Summary of Corn Oil One samples: 85050, 88612

Component	% Sample 85050	% Sample 88612
Triglycerides	89.27	89.12
Diglycerides	5.3	6.31
Glycerol	0	0
Methyl Esters	0	0
Ethyl Esters	3.72	3.02
Fatty Acids	.41	.35
Monoglycerides	.08	.1
Squalene	.12	.08
Tocopherol	.08	.08
Sterols	.87	.81
Other	.14	.12

ICFTL confirmed that the both the crude corn oil samples and the Corn Oil One samples contained the presence of squalene and ethyl esters, which is consistent with a corn oil feedstock profile. Furthermore, the presence of squalene and ethyl esters did not significantly change between the crude corn oil and Corn Oil One samples.

The only significant change in composition between the crude corn oil samples and the Corn Oil One feedstock was noted in Fatty Acid content, which decreased from (15%-19%) to (0.4%) and Triglycerides, which increased from (70%-76%) to (89%).

4.0 Determination and Conclusion

Does the Corn Oil One feedstock meet the definition of Non-Food Grade Corn Oil?

The crude corn oil produced at the SIRE dry-mill ethanol plant is extracted from the distiller grains co-product. This has been confirmed by the Third-Party Engineering Review and site visit conducted on November 5, 2015 by Jim Ramm, PE. Corn Oil One must continue to utilize crude corn oil produced at dry-mill ethanol plants via extraction from distiller grains co-product in order to produce a qualifying Corn Oil One feedstock.

Jim Ramm, PE reviewed the laboratory results from the Iowa Central Fuel Testing Laboratory and concluded that the decrease in Fatty Acid content and increase in Triglyceride content between the crude corn oil and Corn Oil One feedstock does not constitute a substantial alteration of the corn oil feedstock. Furthermore, the unchanged presence of key corn oil indicators (squalene and ethyl esters) between the crude corn oil and Corn Oil One feedstock suggest no substantial alteration between crude corn oil and Corn Oil One feedstock.



ECOENGINEERS
People Driven Solutions

300 E. Locust, Ste 313
Des Moines, Iowa 50309
Phone: 515-985-1260
www.ecoengineers.us

Does the Corn Oil One feedstock meet the proposed definition as a “biointermediate”?

The definition of “bio-intermediate” has not been finalized by the EPA, and we cannot state conclusively how Corn Oil One feedstock will ultimately be treated in the final rulemaking. However, EcoEngineers believes that the type of processing that occurs for Corn Oil One feedstock does not constitute a substantial alteration from the definition of Non-food grade corn oil in Table 1 of §80.1426.

As a result of this analysis, EcoEngineers considers the Corn Oil One feedstock to meet the USEPA definition of “non-food grade corn oil” and is an eligible feedstock to produce biodiesel and renewable diesel under the Renewable Fuel Standard 40 CFR 80 Subpart M. EcoEngineers will include Corn Oil One feedstock as part of the list of “approved feedstock suppliers” under the EcoEngineers EPA-approved Q-RIN Quality Assurance Program from the date of this letter moving forward until further notice.

Regards,

Karyn Jones
COO
EcoEngineers
kjones@ecoengineers.us

Encl: 10/24/2013 EPA Letter of Determination to the Corn Refiners Association
IA Central Fuel Testing Laboratory Corn Oil Analysis



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 24 2013

OFFICE OF
AIR AND RADIATION

Mr. John W. Bode
President and C.E.O.
Corn Refiners Association
1701 Pennsylvania Avenue, NW
Suite 950
Washington, D.C. 20006-5806

Dear Mr. Bode:

Thank you for the letter from your organization dated November 29, 2012, we apologize for the delay in responding. That letter requested clarification of the type or grade of corn oil that is approved as eligible feedstock for biodiesel and renewable diesel production under 40 C.F.R. § 80.1426, Table 1. The biodiesel and renewable diesel pathways in Table 1 to § 80.1426 refer to "non-food grade corn oil", and the letter from your organization requested a clarification of what is included in the category non-food grade corn oil.

In the context of the Renewable Fuel Standard (RFS) and Table 1 to § 80.1426, non-food grade corn oil refers to corn oil produced at dry mill corn ethanol plants by extraction from the Distiller Grains (DG) co-product. As discussed in the final rule published on March 26, 2010 (75 FR 14670) (the "March 2010 RFS rule"), dry mill corn ethanol plants have two different technological methods to withdraw corn oil during the ethanol production process. The fractionation process withdraws corn oil before the production of the DG co-product. The extraction process withdraws corn oil after the production of the DG coproduct. In contrast to corn dry mill plants, corn wet mill facilities separate the kernel prior to processing into its component parts (germ, fiber, protein, and starch) and in turn produce other co-products (including corn oil) in addition to DG. Only biodiesel and renewable diesel from corn oil that was produced by the extraction process at dry mill corn ethanol plants would be eligible to generate RINs under the existing non-food grade corn oil pathways in Table 1 to § 80.1426. The existing pathway does not apply to corn oil derived by fractionation at a dry mill corn ethanol plant or corn oil derived from corn wet milling.

Although the regulations do not define non-food grade corn oil as that term is used in § 80.1401, we believe that the U.S. Environmental Protection Agency's March 2010 RFS rule clearly describes the type of production process that the EPA intended to include in the non-food grade corn oil pathway in Table 1 to § 80.1426.

Page | 1

In response to some of the additional points raised in the letter, the Preamble to the March 2010 RFS rule discusses the updated FASOM and FAPRI-CARD modeling that the EPA conducted for this pathway, indicating that we “model[ed] corn oil from the dry mill ethanol extraction process as a new source of biodiesel.” The EPA also indicates that “it is estimated that 70% of dry mill ethanol plants will withdraw corn oil via extraction (from DGS), resulting in corn oil that is non-food grade and can only be used as a biodiesel source; 20% will withdraw corn oil via fractionation (prior to the creation of DGS), resulting in corn oil that is food-grade”. This specifically indicates that the EPA considered corn oil from the extraction process as non-food grade for purposes of the pathway for biodiesel production and that we considered oil produced from the fractionation process as food grade corn oil.

When analyzing the feedstock production GHG impacts of non-food grade corn oil we considered both the direct and indirect impacts. As with other feedstocks analyzed as part of the March 2010 RFS rule this was done with our FASOM and FAPRI-CARD models. The documentation to the FASOM model¹ indicates that the model includes “the potential for corn oil to be derived from either extraction from DG or fractionation prior to the creation of DG. Corn oil from fractionation is assumed to be food grade and a perfect substitute for corn oil produced from the wet milling process. Corn oil from extraction, however, is nonfood grade and can only be used in biodiesel production in the model.” The FASOM documentation also indicates that the model was modified “to apply different replacement rates for fractionated/extracted DG and traditional DG when used in swine and poultry feed.”

Therefore, the indirect GHG impacts of non-food grade corn oil in our analysis was based on the market impacts that corn oil from the dry mill corn ethanol extraction process has on the DG market. This was based on the different quality of the DG with the oil removed. Corn oil from the dry mill corn ethanol fractionation process and corn oil from corn wet milling are modeled as perfect substitutes and used in the vegetable oil food market and would therefore have different market impacts when used for biodiesel as compared to extracted non-food grade corn oil and different indirect GHG impacts as well.

The EPA drew the same distinction when discussing the non-food grade corn oil pathway in the Preamble to the March 2010 RFS rule. For example, the EPA discusses corn ethanol dry mill plants and indicates “there are a growing number of plants using front-end fractionation to produce food-grade corn oil or back-end extraction to produce fuel-grade corn oil for the biodiesel industry.”² The EPA drew the distinction between food-grade corn oil produced from fractionation and fuel-grade corn oil used to make biodiesel produced from extraction. The Preamble also discusses wet mill corn plants and indicates that they “produce other co-products (usually gluten feed, gluten meal, and food-grade corn oil)”.³ Again, for purposes of this pathway the EPA drew the distinction that wet mill corn plants were considered a source of food grade corn oil, not non-food grade corn oil.

¹ U.S. Agricultural and Forestry Impacts of the Energy Independence and Security Act: FASOM Results and Model Description Final Report, EPA-HQ-OAR-2005-0161-3178, page 1-23.

² 75 FR at 14744.

³ Id.

Also, in the context of discussing a number of potential biodiesel and renewable diesel feedstocks in the March 2010 RFS rule, the volumes of diesel feedstocks from corn oil that were assumed in the analysis were based on non-food grade corn oil from extraction as the diesel feedstock. The Regulatory Impact Analysis (RIA) of the March 2010 RFS rule states that “approximately 70 percent of projected total ethanol production will implement some type of corn oil extraction system by 2022, generating approximately 680 million gallons per year of corn oil biofuel feedstock”.⁴ This amount of corn oil matches the indication in the Preamble of non-food grade corn oil from corn dry milling extraction. Table 1.1-25 of the RIA lists 680 million gallons of biodiesel produced from “Corn oil from ethanol production” as used in the analysis for the rulemaking.⁵ Therefore, the non-food grade corn oil used in our modeling of biodiesel feedstock for the March 2010 RFS rule was solely from dry mill corn ethanol extraction.

The letter mentions that your organization plans to submit a petition requesting the approval of a fuller range of corn oils. The differences in modeling discussed in this response should help in developing a petition in order for the EPA to consider biodiesel or renewable diesel produced from the dry mill corn ethanol fractionation process or from corn wet milling. The petition process under § 80.1416 of our regulations describe what type of information is required for submitting a petition to the agency, and additional guidance is available on our website (<http://www.epa.gov/otaq/fuels/renewablefuels/new-pathways/lca-petition-instructions.htm>).

Sincerely,



Karl Simon, Director
Transportation and Climate Division

⁴ See p. 55 of the RIA at <http://www.epa.gov/otaq/renewablefuels/420r10006.pdf>.

⁵ Id. at p. 64.

Iowa Central
PURE TESTING LABORATORY

110116S
EcoEngineers
11/1/2016
11/7/2016

ED_002903A_00000264-00008

110116S
COO 84683
Crude Corn Oil

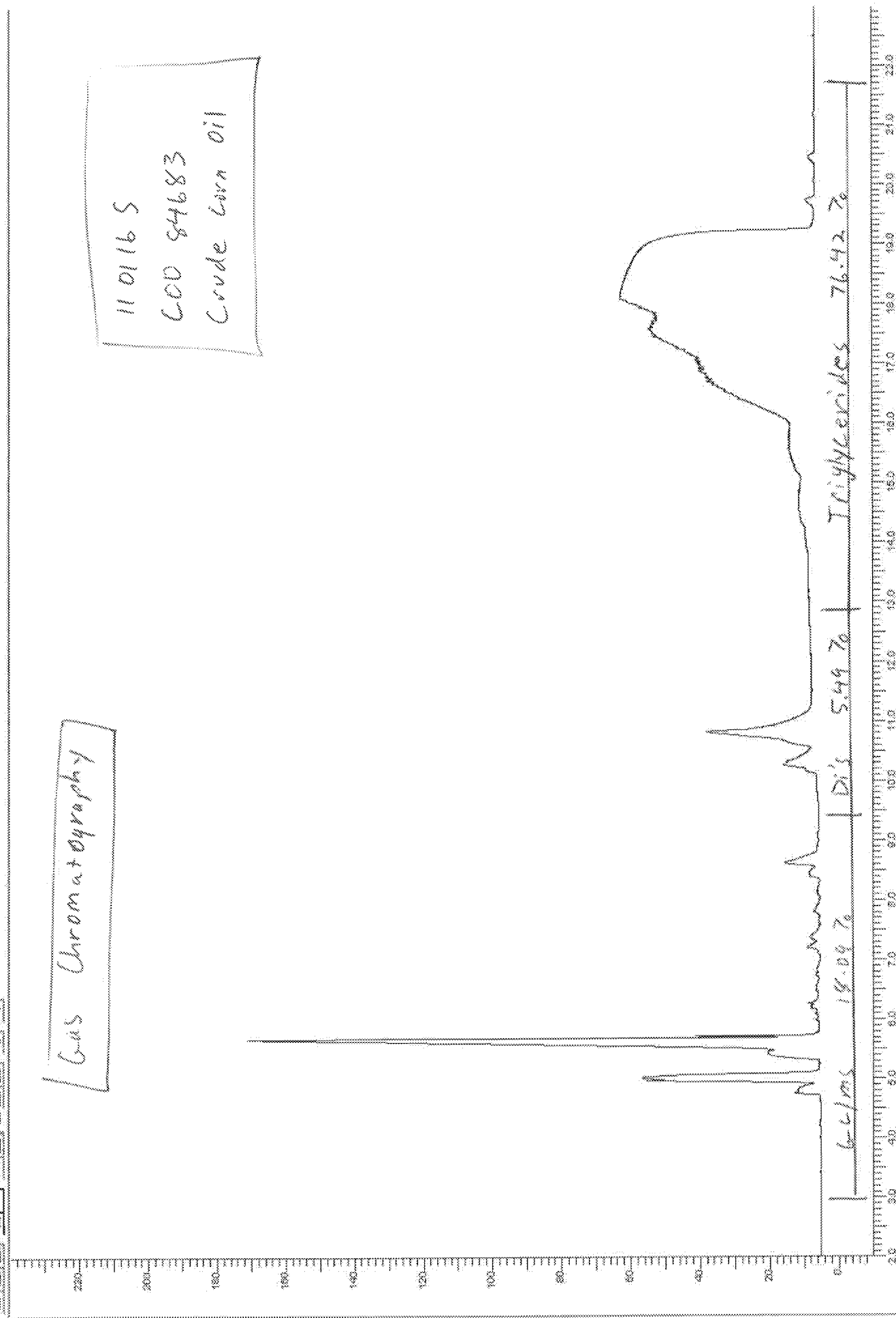
ICFTL received a sample of corn oil feedstock. We analyzed the sample by gas chromatography (maximum oven temperature of 380°C) and also by GC/MS (maximum oven temperature of 355°C).

Analysis by gas chromatography shows that the majority of the sample is in the form of triglycerides (76.42 %). The GC/MS overview sheet shows a small amount of glycerin. The first close-up view shows mainly C16 and C18 fatty acids and ethyl esters, whereas the second close-up view shows several monoglycerides, tocopherols and sterols. Squalene is also noted. The presence of squalene and ethyl esters is consistent with a crude corn oil feedstock. The percent content (by peak area) for each of the major components is listed below.

COMPONENT	PERCENT OF SAMPLE
Triglycerides	76.42
Diglycerides	5.49
Glycerol	0.04
Methyl Esters	0
Ethyl Esters	2.14
Fatty Acids	14.59
Monoglycerides	0.17
Squalene	0.09
Tocopherol	0.08
Sterols	0.86
Other	0.13

Gas Chromatography

110116S
 LOD 84683
 Crude Corn Oil

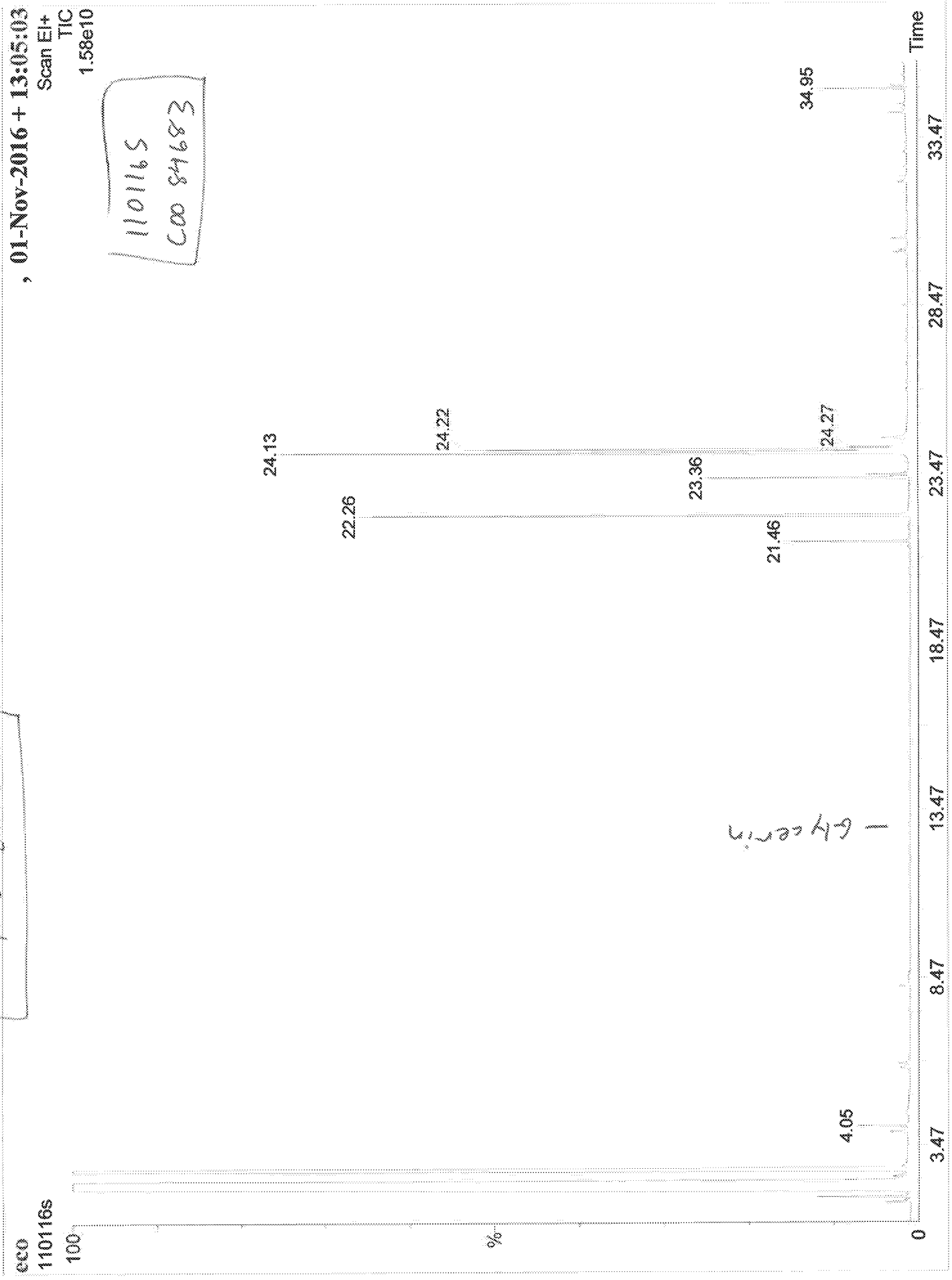


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C00 84683



#1 | #2

GC/ms #1

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Scan EI+

TIC

1.19e10

24.13

ec0
110116s

100

110116S

600 84683

22.26

C16:1 Fatty Acid

C16:1 Fatty Acid

C11:0 Ethyl Ester

21.46

C14 Fatty Acid

C18:2 Ethyl Ester

23.36

C18:1 Ethyl Ester

23.46

C18:0 Ethyl Ester

C18:2
C18:1
C18:0
Fatty Acids

24.27

24.54

24.22

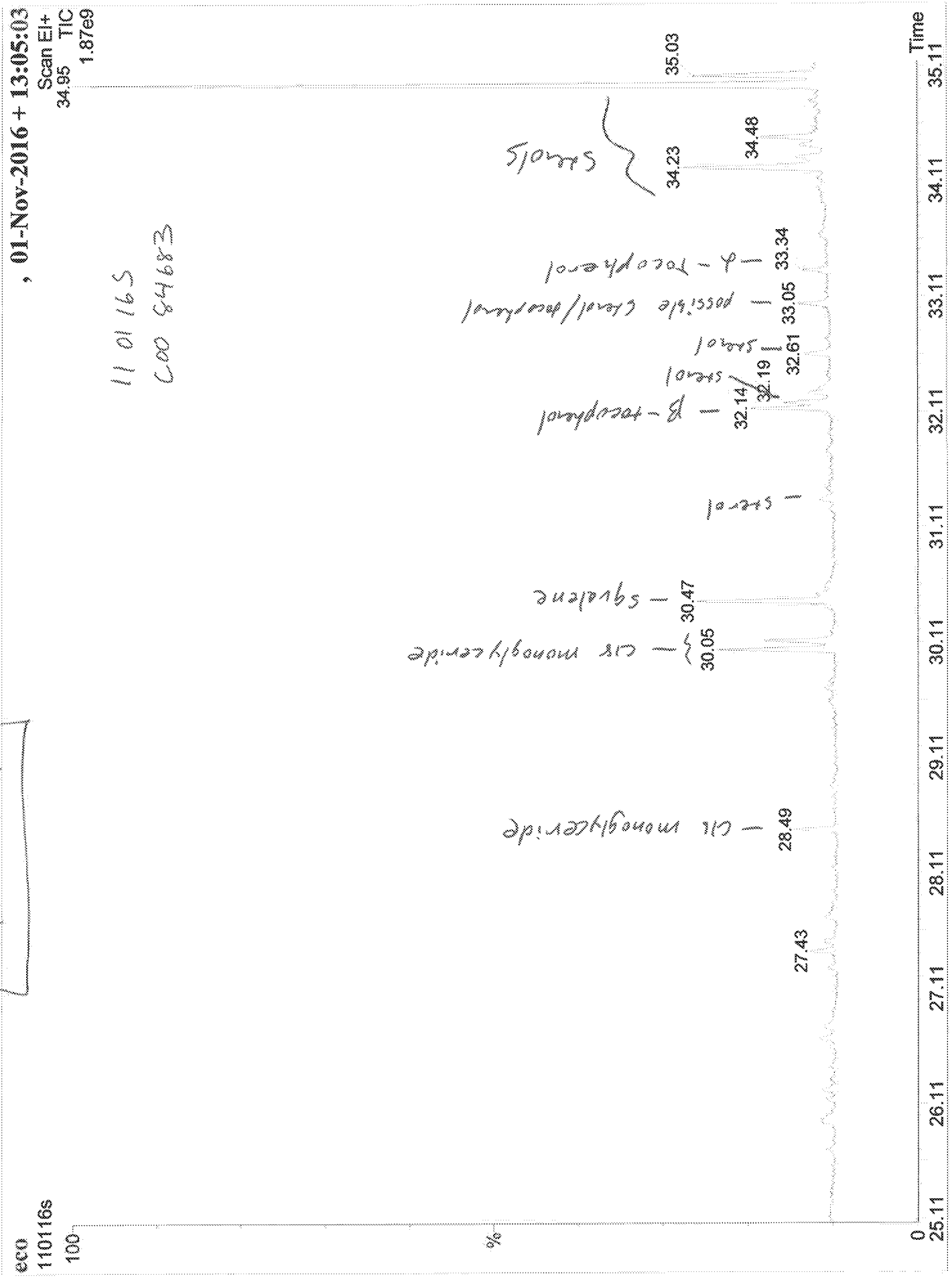
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Gelms #2

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Scan EI+
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1.87e9

11 01 16 S
C00 84683



Iowa Central Fuel Testing Laboratory
Four Triton Circle
Fort Dodge, Iowa, USA 50501



Laboratory Results Report

Customer Name:	EcoEngineers
Customer Address:	300 East Locust Street, Suite 313 Des Moines, IA 50309
Customer's Sample ID:	COO 87846
Sample Type:	Crude Corn Oil

Sample ID:

110116U

Customer ID:

EcoEngineers

Received on:

11/1/2016

Completed:

11/7/2016

[illegible]

Approval:

Edward A. Herken

Title: QMR or designee

Date: November 7, 2016

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REC 7.1.5 V-1.0 Effective 9-14-2011

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110116U
COO 87846
Crude Corn Oil

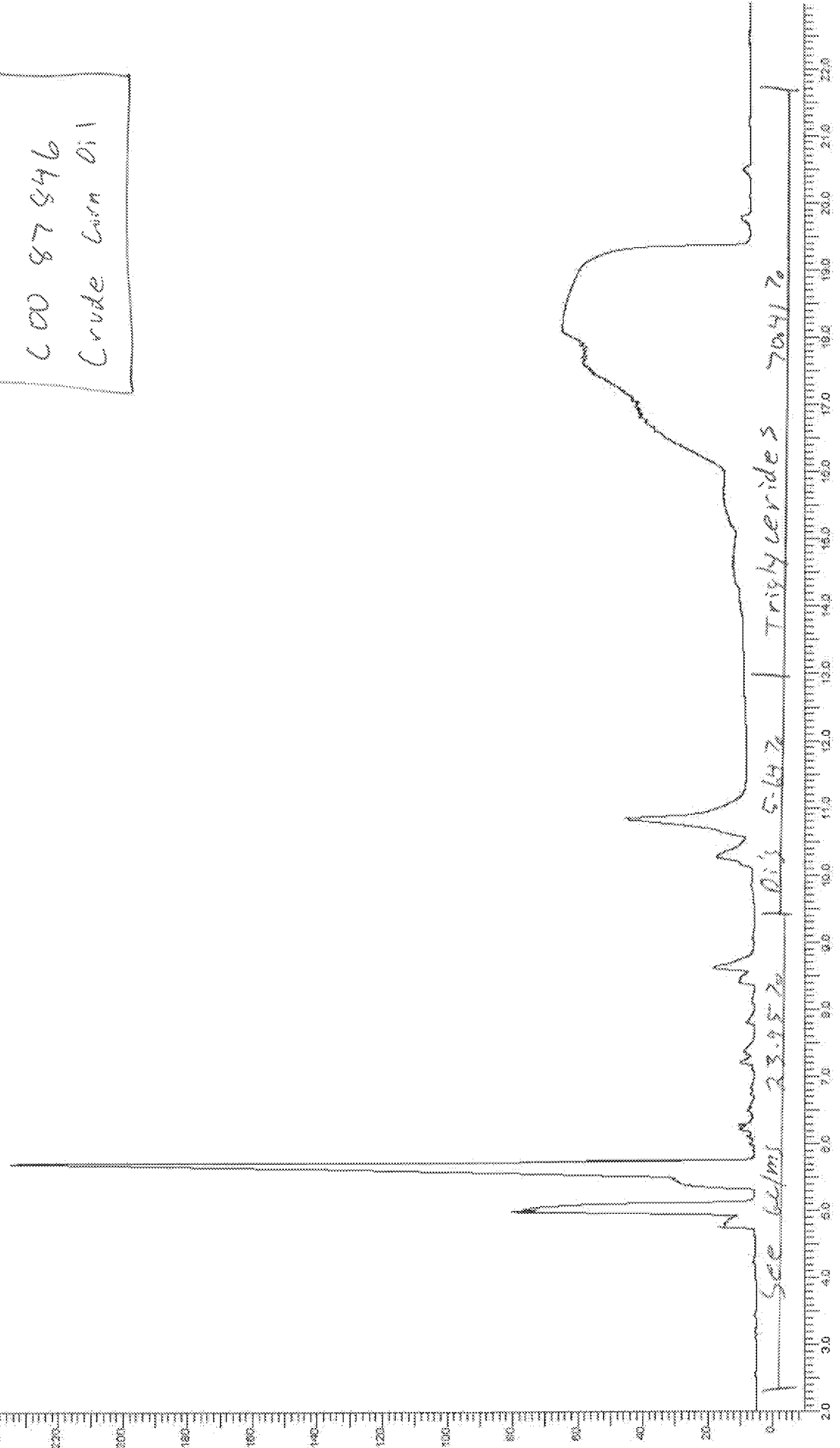
ICFTL received a sample of crude corn oil feedstock. We analyzed the sample by gas chromatography (maximum oven temperature of 380°C) and also by GC/MS (maximum oven temperature of 355°C).

Analysis by gas chromatography shows that the majority of the sample is in the form of triglycerides (70.41 %). The GC/MS sheet shows a small glycerin peak. The first close-up view shows mainly C16 and C18 fatty acids and ethyl esters, whereas the second close-up view shows several monoglycerides, tocopherols and sterols. Squalene is also noted. The presence of squalene and ethyl esters is consistent with a corn oil feedstock. The percent content (by peak area) for each of the major components is listed below.

COMPONENT	PERCENT OF SAMPLE
Triglycerides	70.41
Diglycerides	5.64
Glycerol	0.04
Methyl Esters	0
Ethyl Esters	3.39
Fatty Acids	18.57
Monoglycerides	0.22
Squalene	0.14
Tocopherol	0.11
Sterols	1.21
Other	0.28

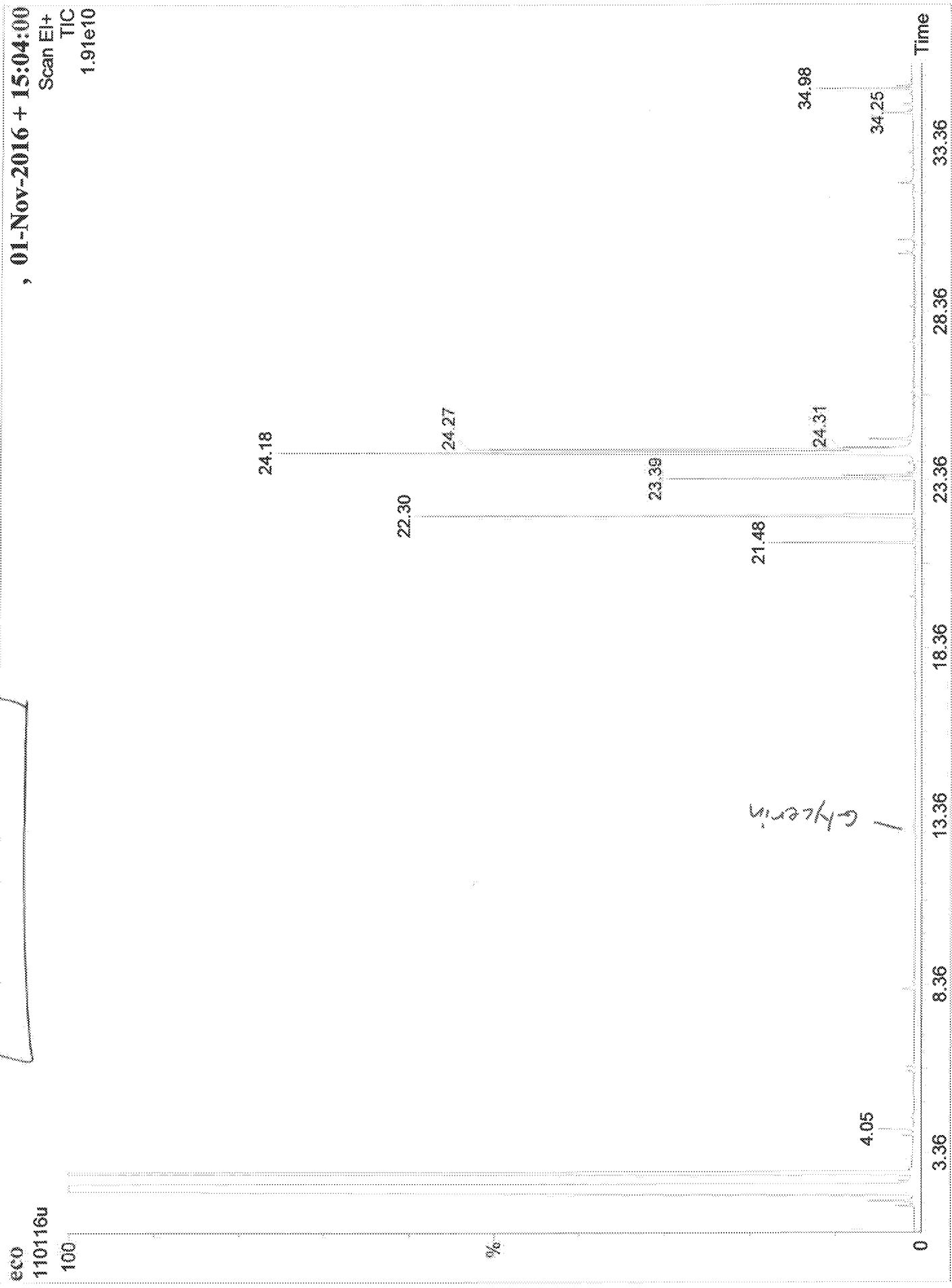
Gas Chromatography

11 0116 U
 600 87846
 Crude Corn Oil



GC/MS Overview

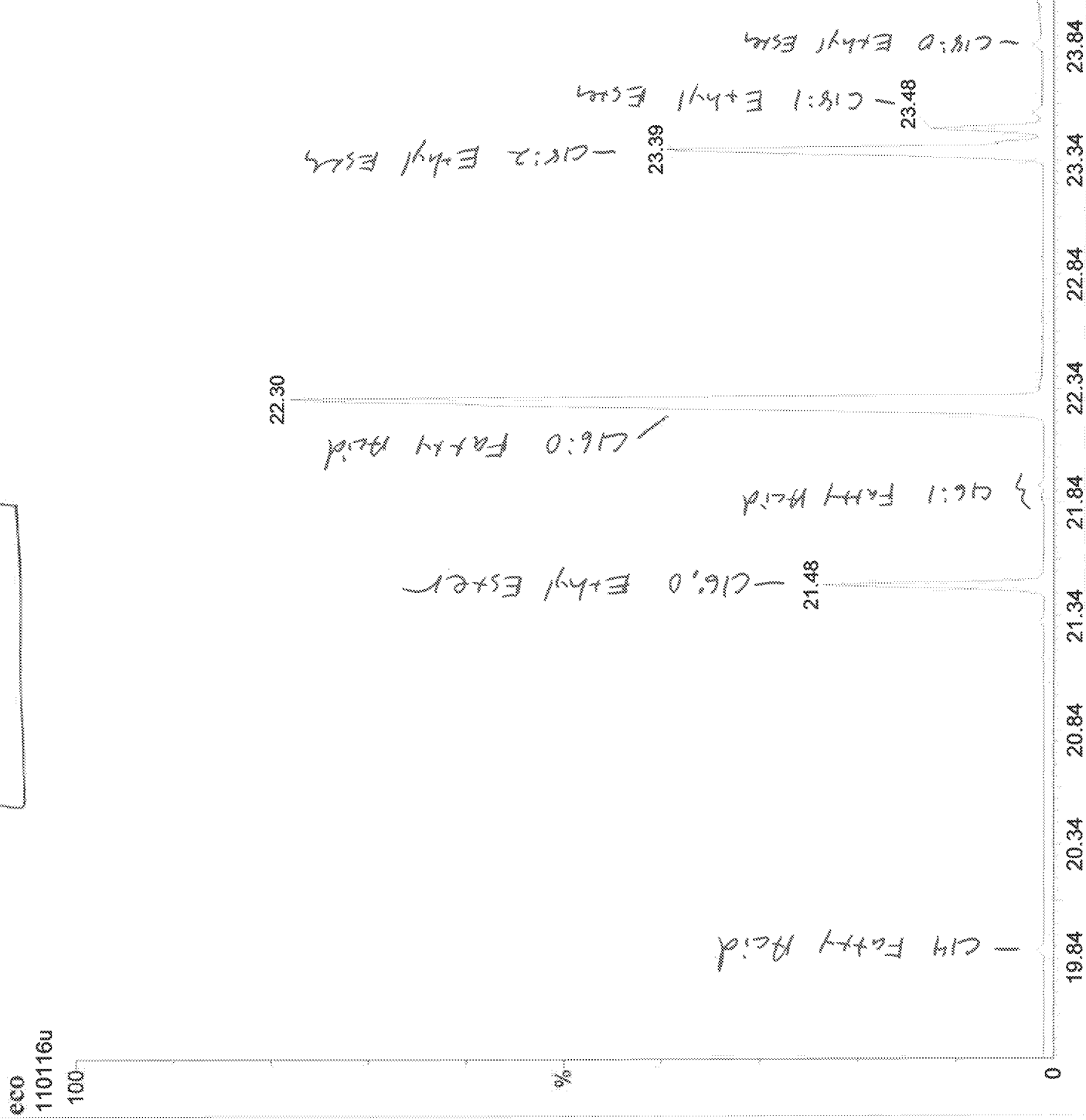
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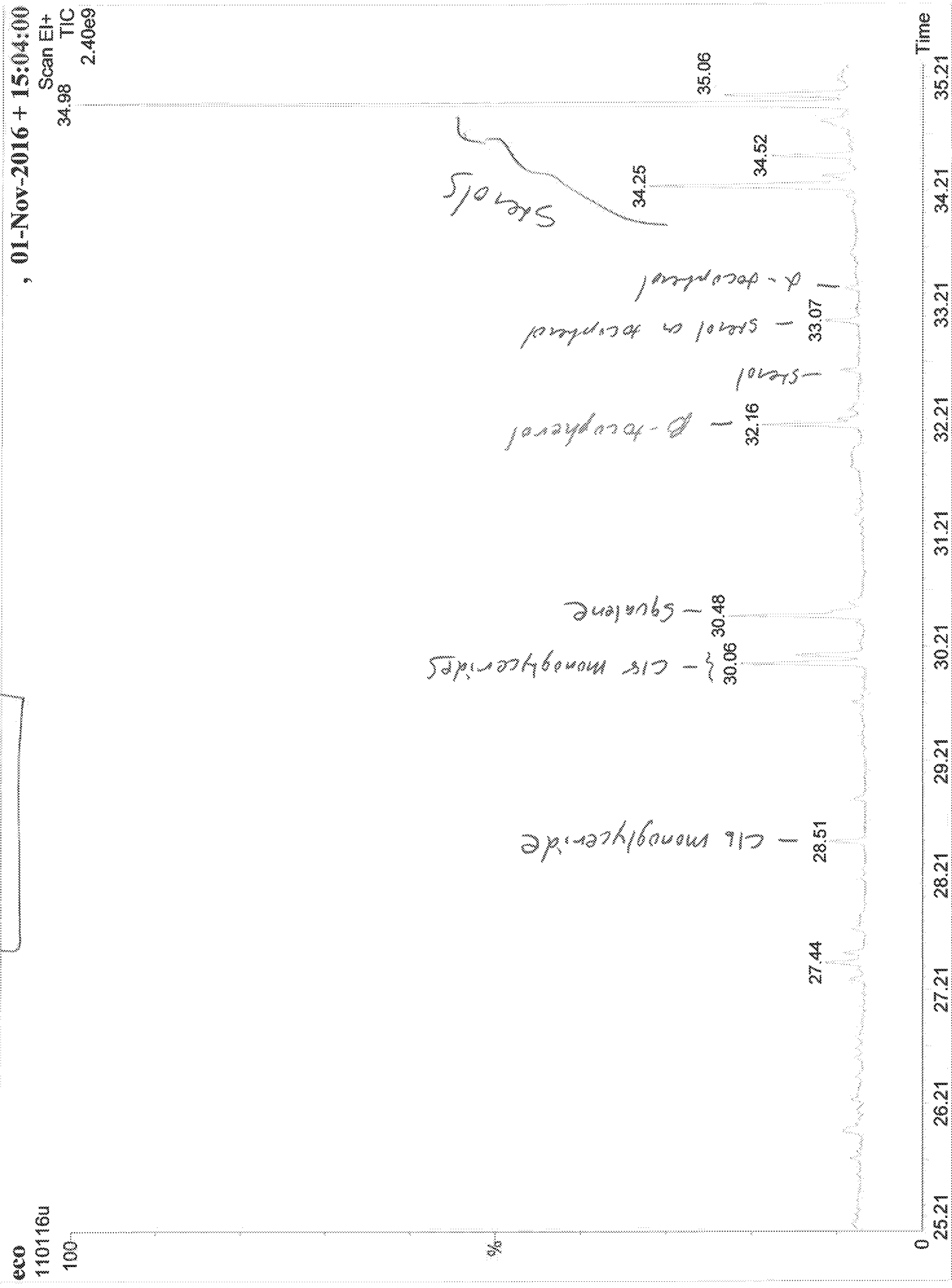
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GC/MS #2

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34.98 TIC
2.40e9





Iowa Central
FUEL TESTING LABORATORY

110116T
EcoEngineers
11/1/2016
11/7/2016

ED_002903A_00000264-00020

110116T
COO 85050
CO1 Refined Corn Oil

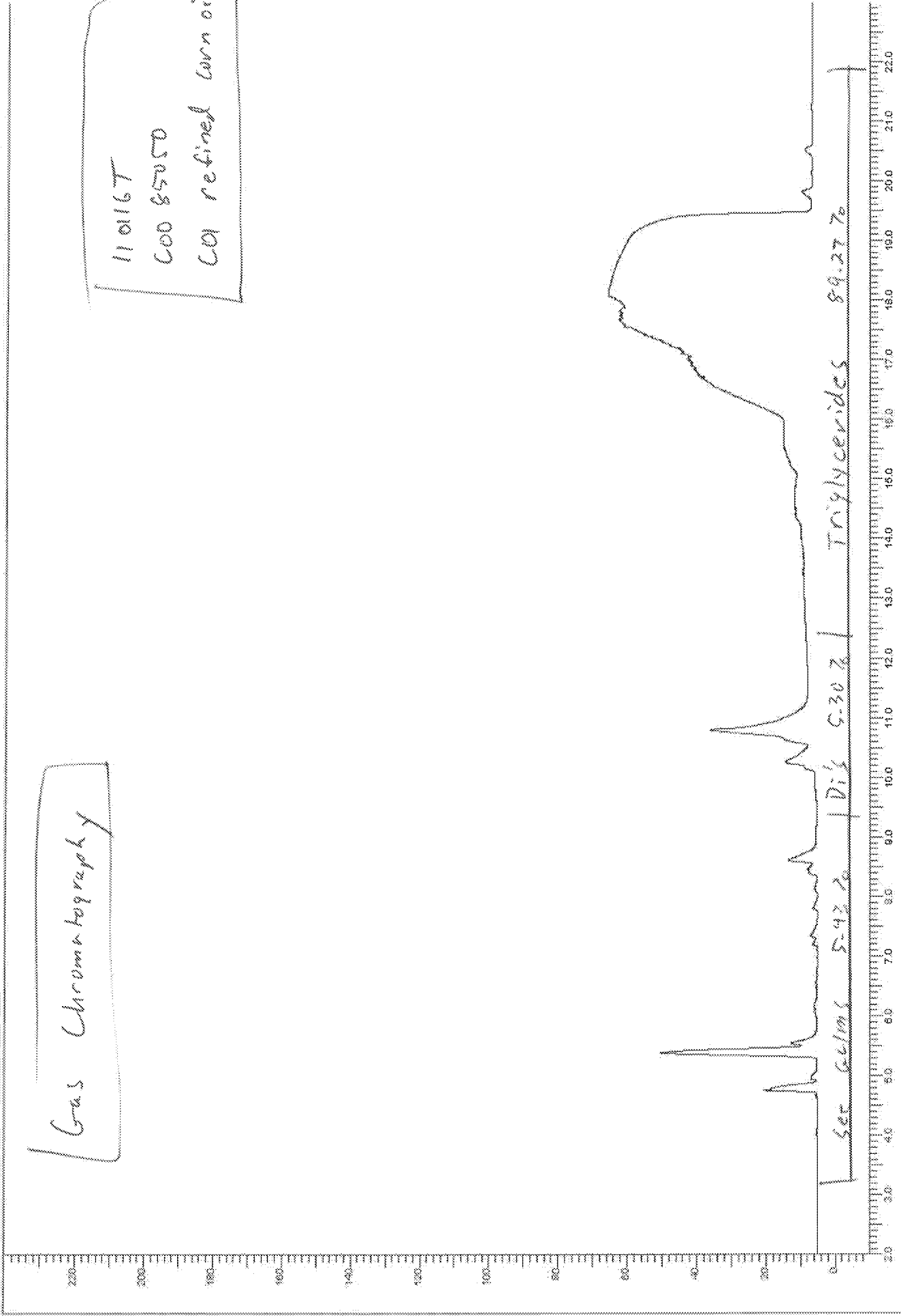
ICFTL received a sample of corn oil feedstock. We analyzed the sample by gas chromatography (maximum oven temperature of 380°C) and also by GC/MS (maximum oven temperature of 355°C).

Analysis by gas chromatography shows that the majority of the sample is in the form of triglycerides (89.27 %). Glycerin was not detected in this sample. The first close-up view shows mainly C16 and C18 fatty acids and ethyl esters, whereas the second close-up view shows several monoglycerides, tocopherols and sterols. Squalene is also noted. The presence of squalene and ethyl esters is consistent with a corn oil feedstock. The percent content (by peak area) for each of the major components is listed below.

COMPONENT	PERCENT OF SAMPLE
Triglycerides	89.27
Diglycerides	5.30
Glycerol	0
Methyl Esters	0
Ethyl Esters	3.72
Fatty Acids	0.41
Monoglycerides	0.08
Squalene	0.12
Tocopherol	0.08
Sterols	0.87
Other	0.14

Gas Chromatography

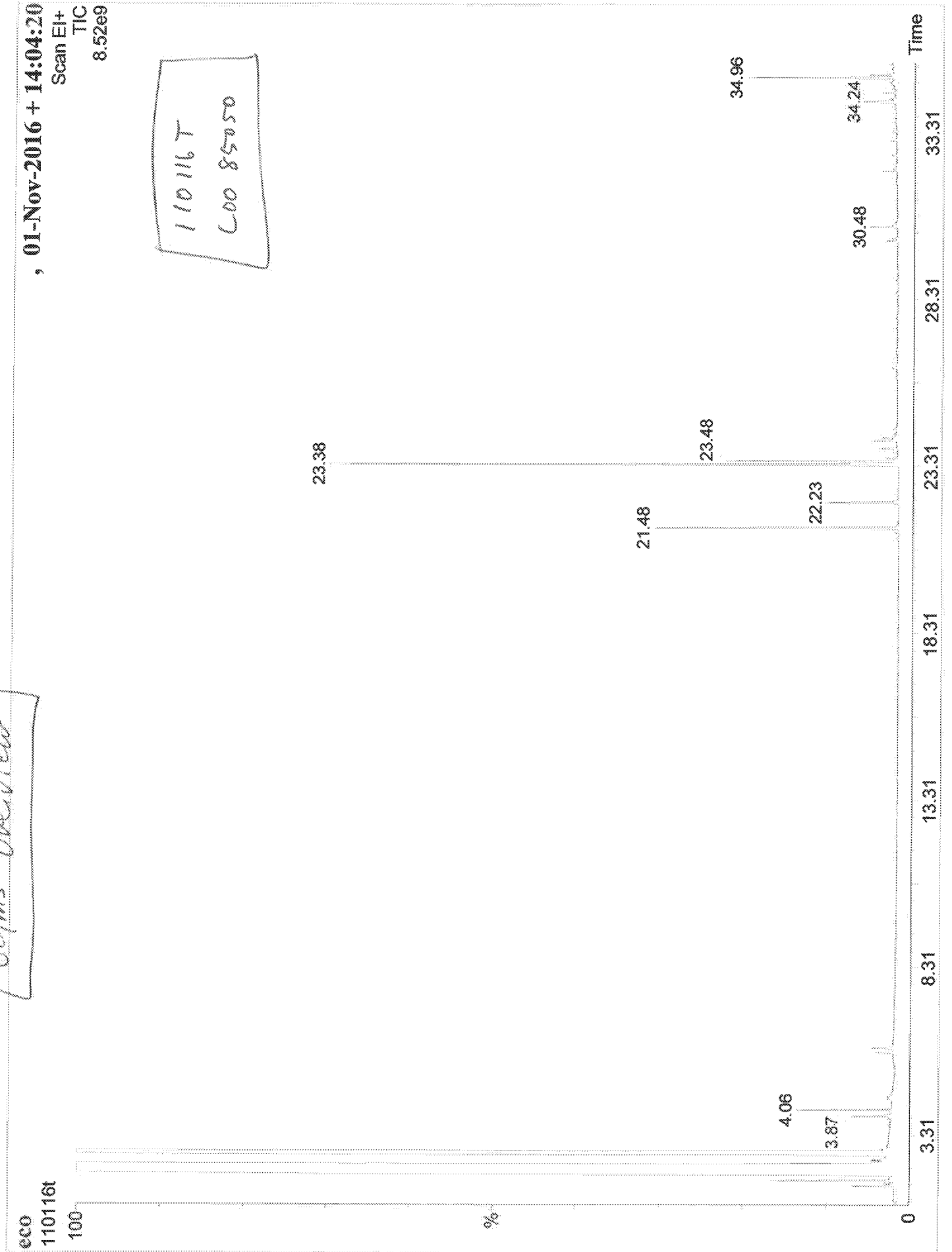
110116T
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 601 refined corn oil



GC/MS Overview

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C00 85050



#1 #2

GC/MS #1

, 01-Nov-2016 + 14:04:20

Scan El+

TIC

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110116T
C00 85050

eco
110116t
100

23.38

18:2 Ethyl Ester

18:1 Ethyl Ester

23.48

16:0 Fatty Acid

22.23

16:0 Ethyl Ester

21.48

16:1 Ethyl Ester

18:2 + 18:1 Fatty Acids

24.08

18:0 Ethyl Ester

Time

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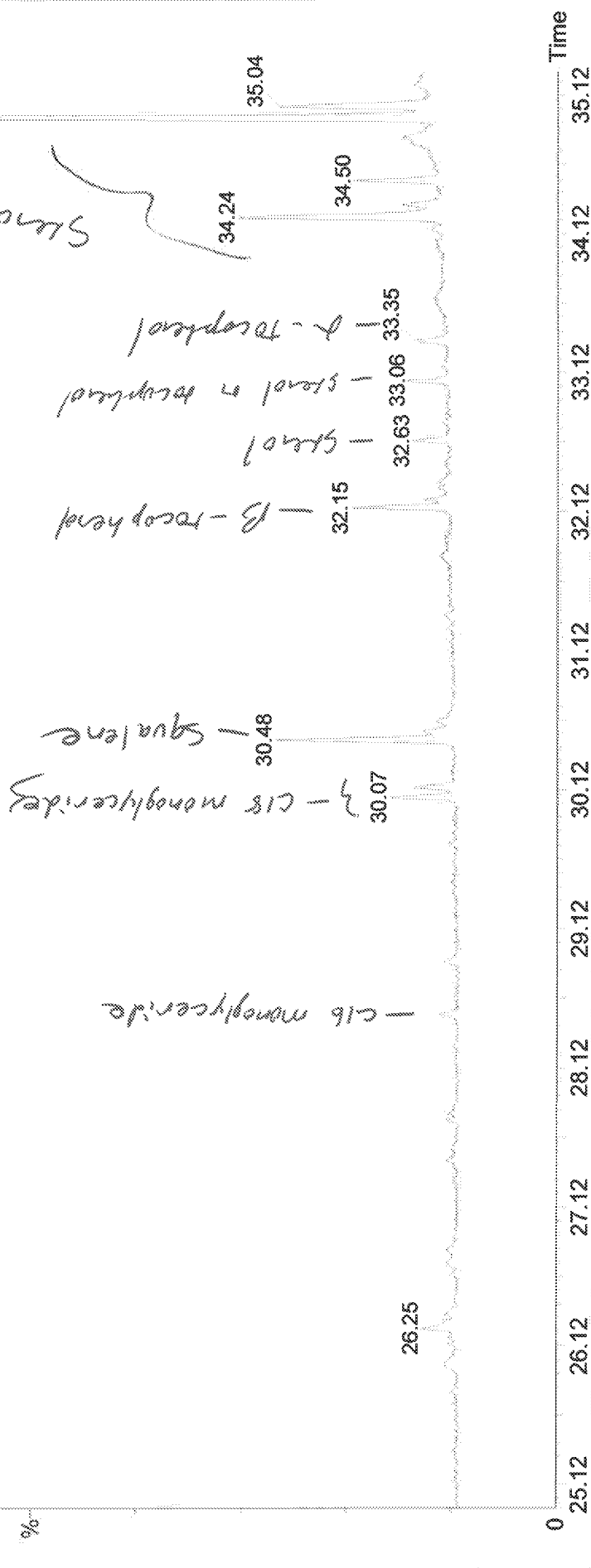
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110116T
L00 85050

eco
110116t
100



Iowa Central Fuel Testing Laboratory
Four Triton Circle
Fort Dodge, Iowa, USA 50501



Laboratory Results Report

Customer Name:	EcoEngineers
Customer Address:	300 East Locust Street, Suite 313 Des Moines, IA 50309
Customer's Sample ID:	COO 88612
Sample Type:	CO1 refined corn oil

Sample ID:

110116V

Customer ID:

EcoEngineers

Received on:

11/1/2016

Completed:

11/7/2016

[illegible]

Approval:

Paul A. Hahn

Title: QMR or designee

Date: November 7, 2016

Printed copies are uncontrolled

REC 7.1.5 V-1.0 Effective 9-14-2011

ED 002903A 00000264-00026

110116V
COO 88612
CO1 Refined Corn Oil

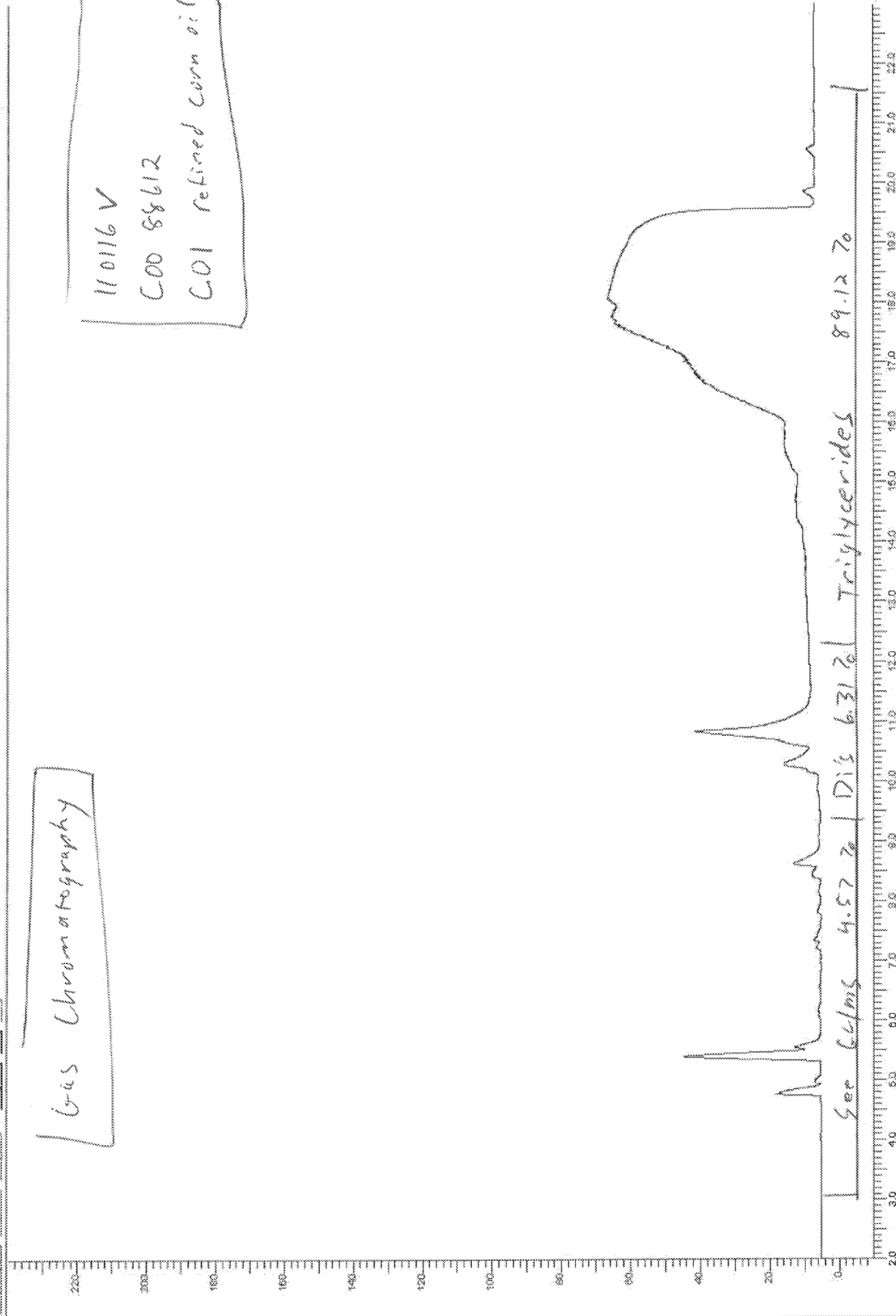
ICFTL received a sample of crude corn oil feedstock. We analyzed the sample by gas chromatography (maximum oven temperature of 380°C) and also by GC/MS (maximum oven temperature of 355°C).

Analysis by gas chromatography shows that the majority of the sample is in the form of triglycerides (89.12 %). Glycerin was not detected in this sample. The first close-up view shows mainly C16 and C18 fatty acids and ethyl esters, whereas the second close-up view shows several monoglycerides, tocopherols and sterols. Squalene is also noted. The presence of squalene and ethyl esters is consistent with a corn oil feedstock. The percent content (by peak area) for each of the major components is listed below.

COMPONENT	PERCENT OF SAMPLE
Triglycerides	89.12
Diglycerides	6.31
Glycerol	0
Methyl Esters	0
Ethyl Esters	3.02
Fatty Acids	0.35
Monoglycerides	0.10
Squalene	0.08
Tocopherol	0.08
Sterols	0.81
Other	0.12

Gas Chromatography

110116V
C00 88612
C01 refined corn oil



GC/MS Overview

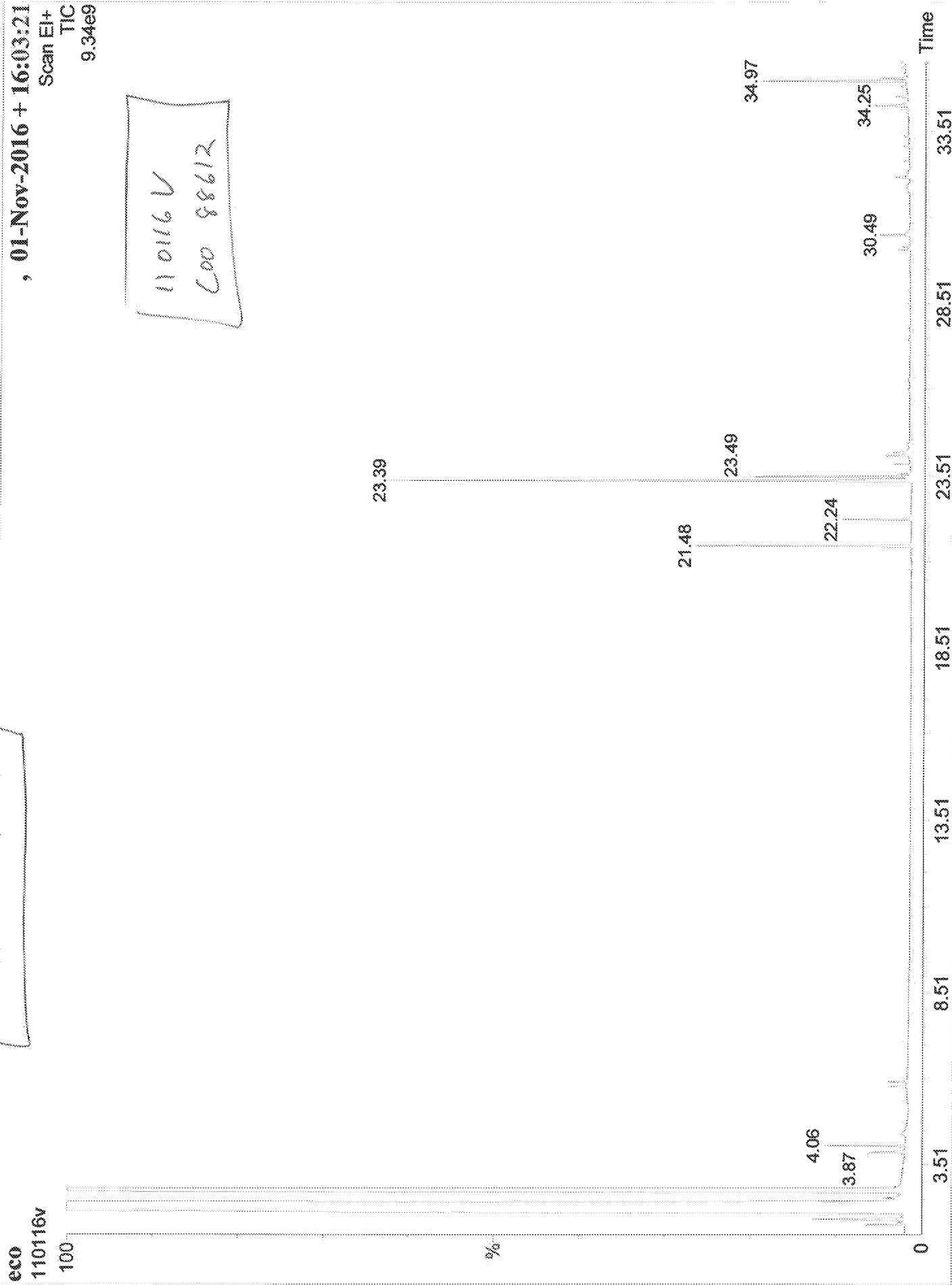
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C00 88612



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GC/MS #1

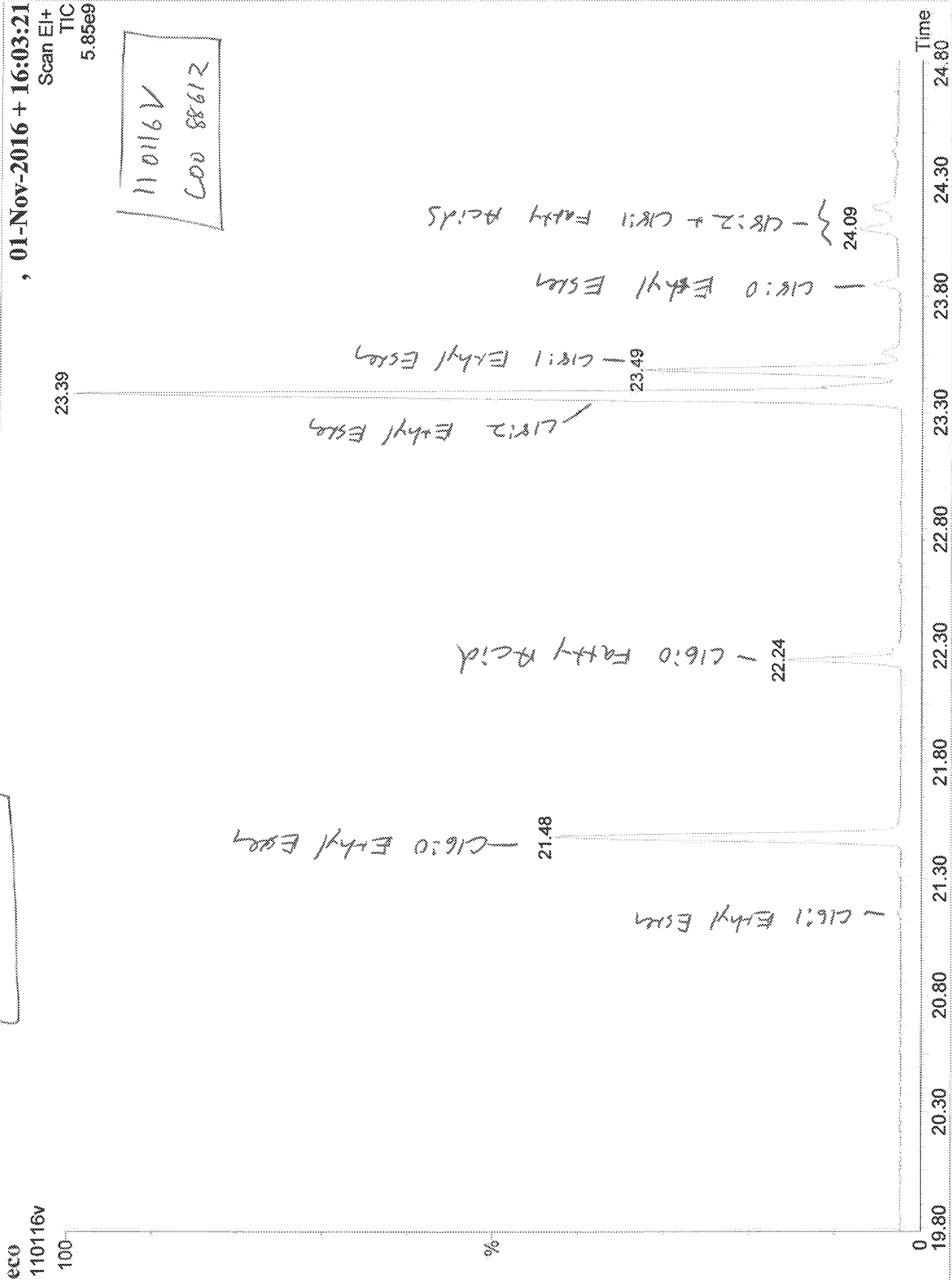
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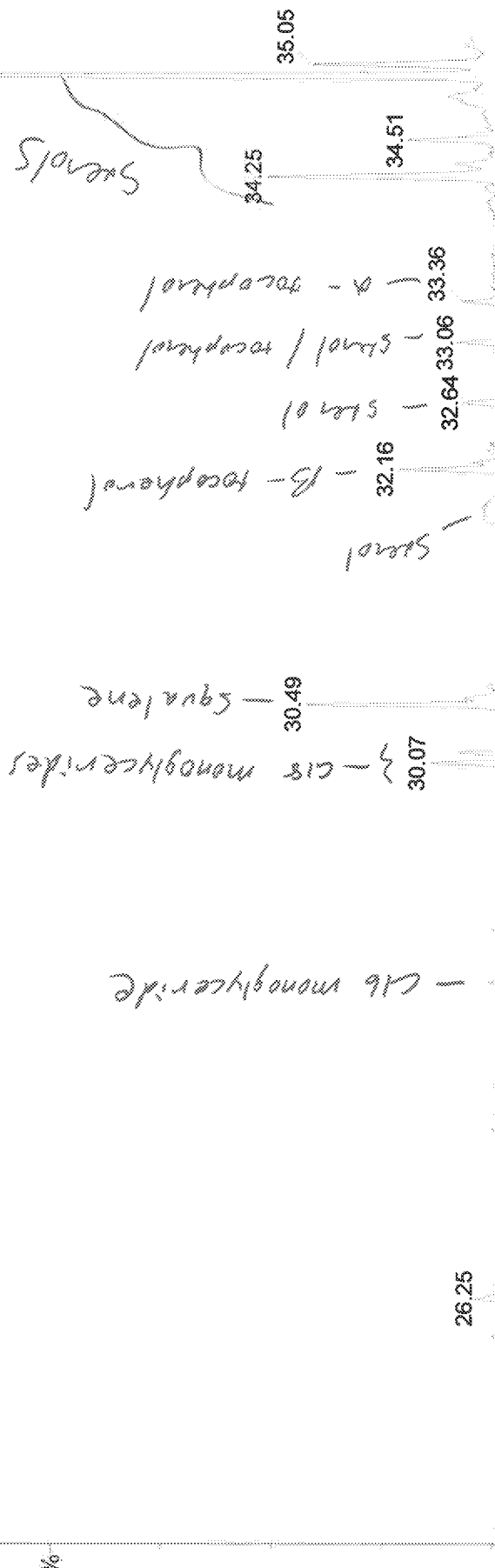
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110116V
600 88612

eco
110116v

100

%



Time

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33.88

32.88

31.88

30.88

29.88

28.88

27.88

26.88

25.88

24.88

April 18, 2017

To: EPA Administrator

We are writing to you today to ask for your support of a prospective customer of ours; Corn Oil One. Corn Oil One has attempted to build a new market for our ethanol co-products, specifically, distillers corn oil.


Corn Oil One refines oil so that more biodiesel plants can use it to make renewable fuels. Corn Oil One has been put into the bio-intermediary category in the RENEWABLES ENHANCEMENT AND GROWTH SUPPORT RULE; PROPOSED RULE, 81 Fed. Reg. 80,828 (Nov. 16, 2016).

The EPA has been in a rulemaking process for more than two years and Corn Oil One has arbitrarily been put on the sidelines while soy and canola processors, doing the same refining of oils, are allowed to participate in the market.

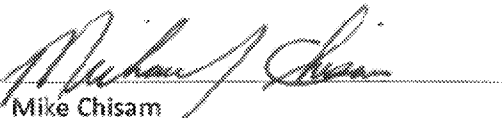
We believe it is in the best interests of our ethanol plants, and of the entire ethanol industry, that EPA immediately allows Corn Oil One to participate in the RFS as a qualified feedstock for Biodiesel D4 RINS.



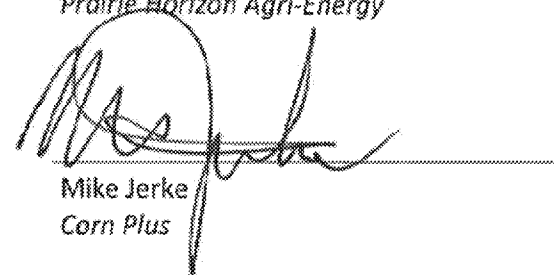
Derek Peine
Western Plains Energy



Joe Kreutzer
Prairie Horizon Agri-Energy



Mike Chisam
Kansas Ethanol



Mike Jerke
Corn Plus



Dwayne Braun
ICM Biofuels



Bill Paulsen
Red River Energy / Noble Americas

April 12, 2017

Dear Senator Grassley and Ernst:

As organizations interested and involved in the renewable fuels industry in Iowa, we are asking for your assistance to swiftly correct a regulatory interpretation that is harming numerous Iowa companies.

As you know, distillers corn oil (DCO) is an increasingly important co-product for ethanol producers and a quickly growing feedstock for biodiesel producers. However, an unnecessary and counter-productive regulatory interpretation is dramatically reducing the marketability of DCO. Just like soybean oil and animal fats, DCO requires some pretreatment prior to its use as a biodiesel feedstock. The Environmental Protection Agency (EPA) has interpreted that performing the “clean-up” process at one facility disqualifies that DCO as a renewable biomass feedstock for conversion to biodiesel at another facility under the Renewable Fuel Standard (RFS). This determination for DCO, and potentially several other commonly used feedstocks, is not justified as the resulting product is simply a separated fraction of the original feedstock, just as refined bleach (RB) soybean oil or choice white grease (CWG).

Based on the current interpretation of the regulations, if this pretreatment occurs at the biodiesel production facility (necessitating millions of dollars of investment in equipment) the EPA allows the use of the DCO as a biodiesel feedstock. However, if the same process occurs at a separate facility, then the DCO is not currently allowed for use to produce biodiesel under the RFS. The disparate outcome of the same process simply based on location is both unnecessary and unfair. It has been devastating to facilities that wish to provide this service and to ethanol and biodiesel plants that have intended to make use of this innovative arrangement.

We request an immediate solution to this situation before more harm is incurred by dozens of ethanol and biodiesel plants. The optimal solution is for the EPA to recognize that “cleaning-up” DCO is no different than a renderer preparing CWG for the market or a soybean refiner supplying RB soybean oil to a biodiesel plant. All of these products should be considered renewable biomass under the RFS.

Any economically viable processes for preparing the feedstocks for use as a biofuel feedstock would utilize an inconsequential amount of energy in terms of the ultimate biofuel meeting the RFS threshold for advanced biofuels. Any further disruption of these feedstocks for use in biofuels production would have a devastating impact on the RFS. In 2016, soybean oil accounted for 66 percent of Iowa biodiesel production, while animal fats and corn oil accounted for 14 and 10 percent respectively.

We respectfully ask for your help with the EPA so that they understand the market realities of these feedstocks and to encourage them to fix this regulatory overreach expeditiously.

Sincerely,

Iowa Biodiesel Board

Iowa Renewable Fuels Association

Pathways for Vegetable Oils for Bio-Diesel

Soybean Crush – Soy Oil to Soy Oil Refinery to
Bio-Diesel Plant

VERSUS

Ethanol Corn Crush – Corn Oil to Corn Oil Refinery to
Bio-Diesel Plant

Pathways for Vegetable Oils for Bio-Diesel

Soybean Crush – Soy Oil from AGP in Emmetsburg,
Iowa to Bunge Soy Oil Refinery in Council Bluffs, Iowa
to REG Bio-Diesel Plant in Newton, Iowa

Pathways for Vegetable Oils for Bio-Diesel

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Ethanol Corn Crush – Corn Oil from Little Sioux Corn
Processors in Marcus, Iowa to Corn Oil 1 Corn Oil Refinery
in Council Bluffs, Iowa, to REG Bio-Diesel Plant in Newton,
Iowa

Pathways for Vegetable Oils for Bio-Diesel

VERSUS

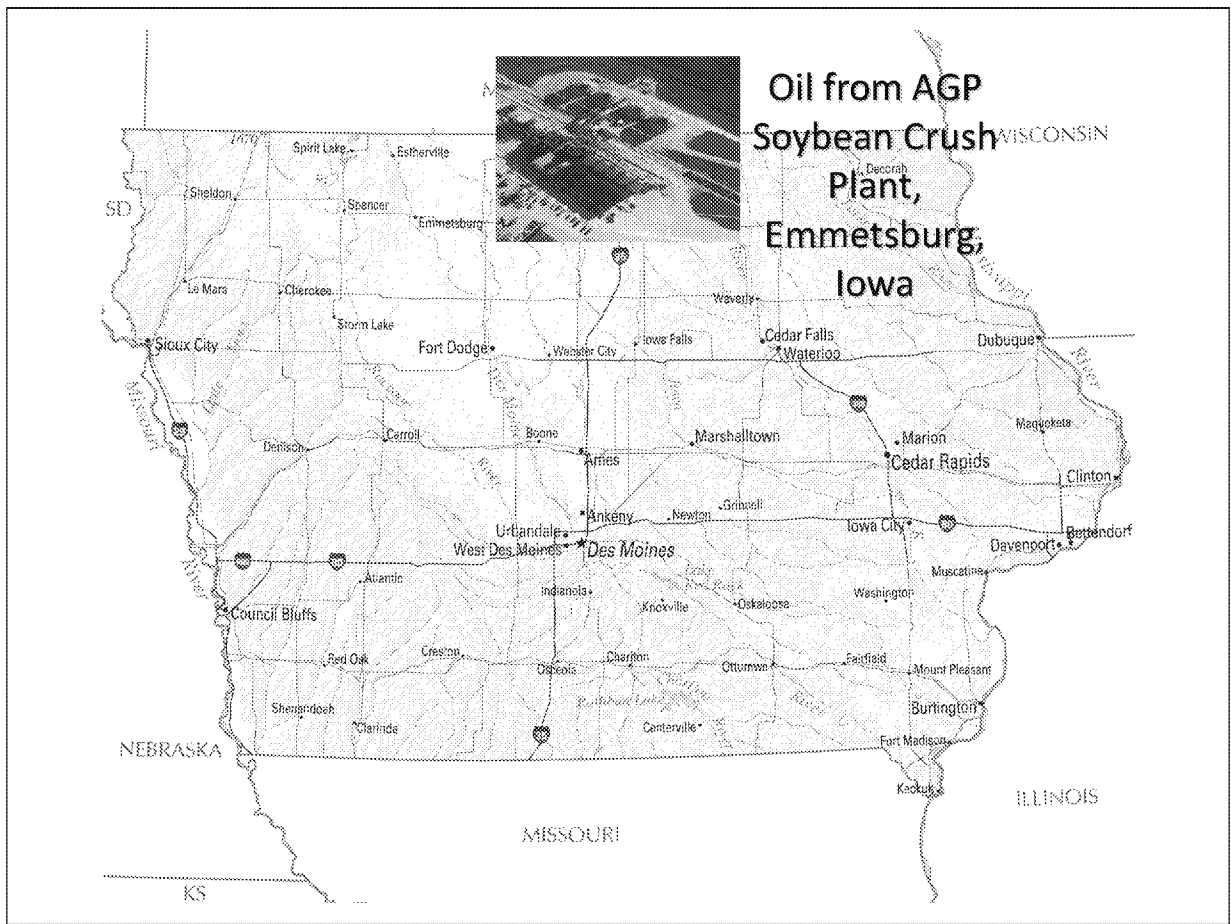
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Processors in Marcus, Iowa to Corn Oil 1 Corn Oil
Refinery in Council Bluffs, Iowa, to REG Bio-Diesel
Plant in Newton, Iowa

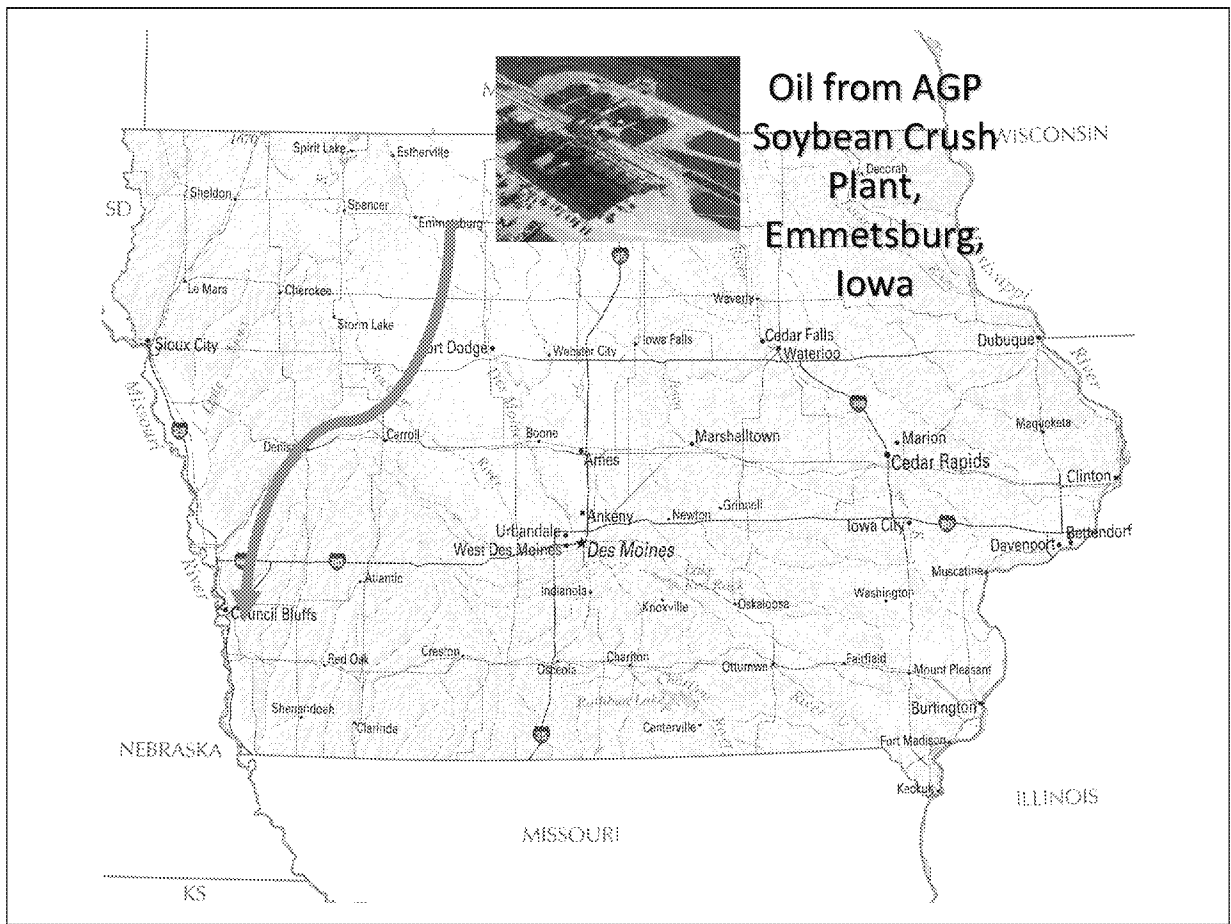
Pathways for Vegetable Oils for Bio-Diesel

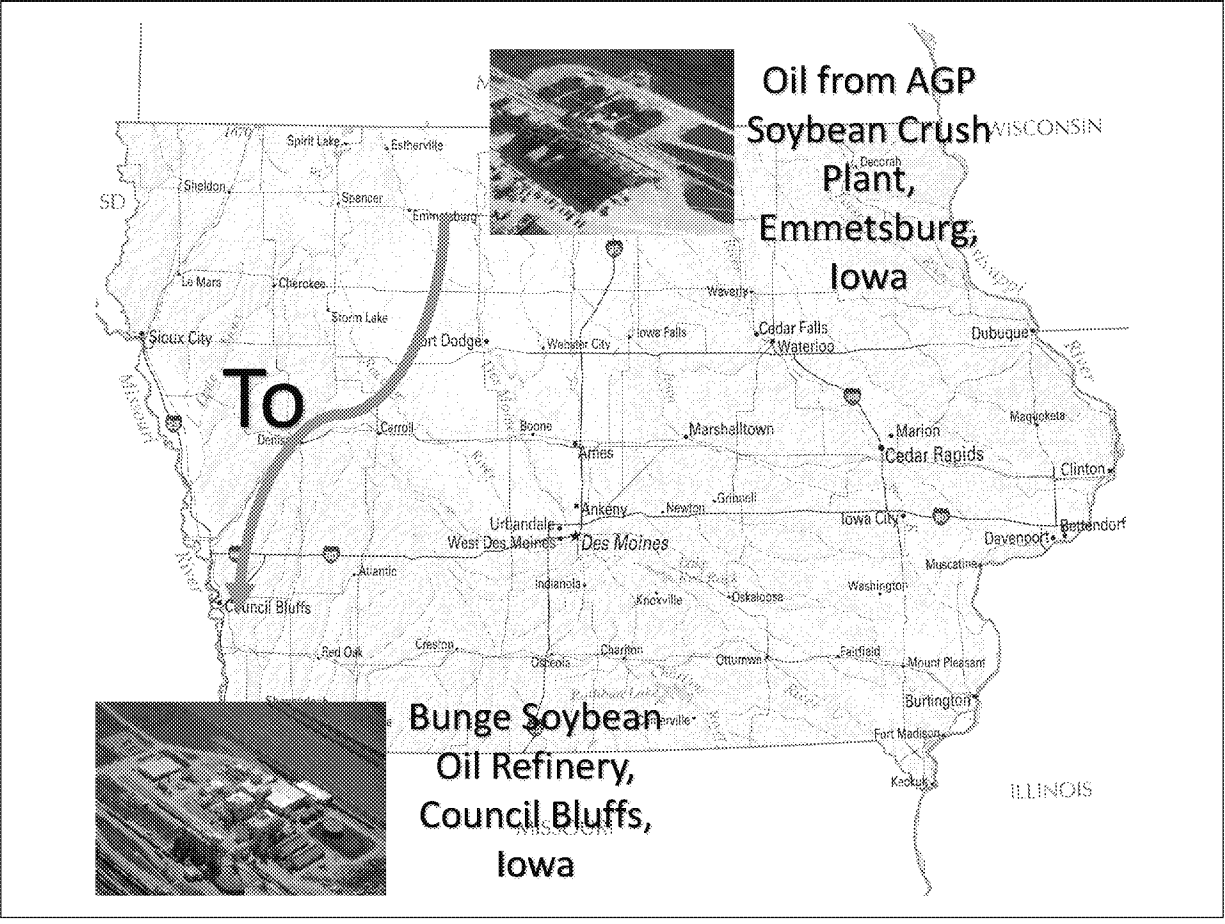
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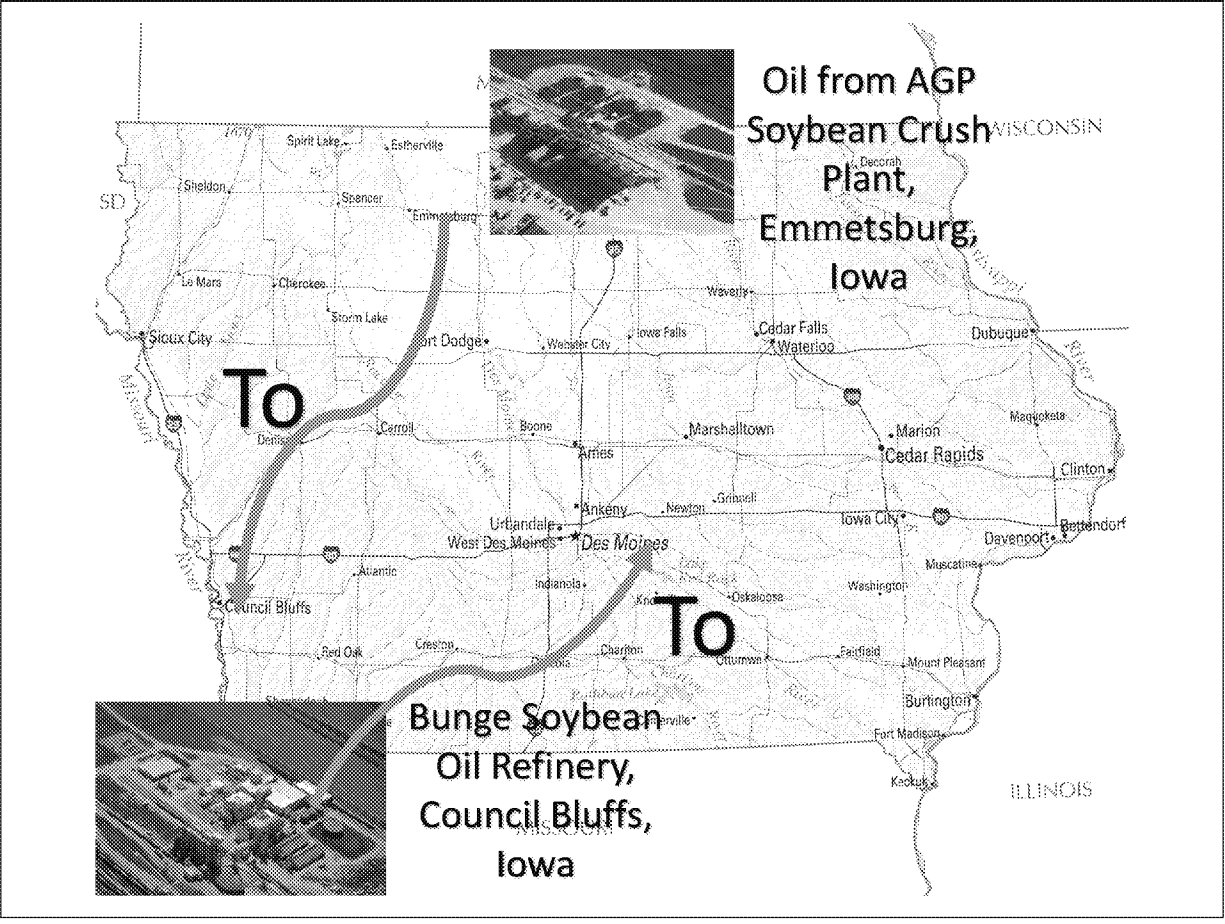
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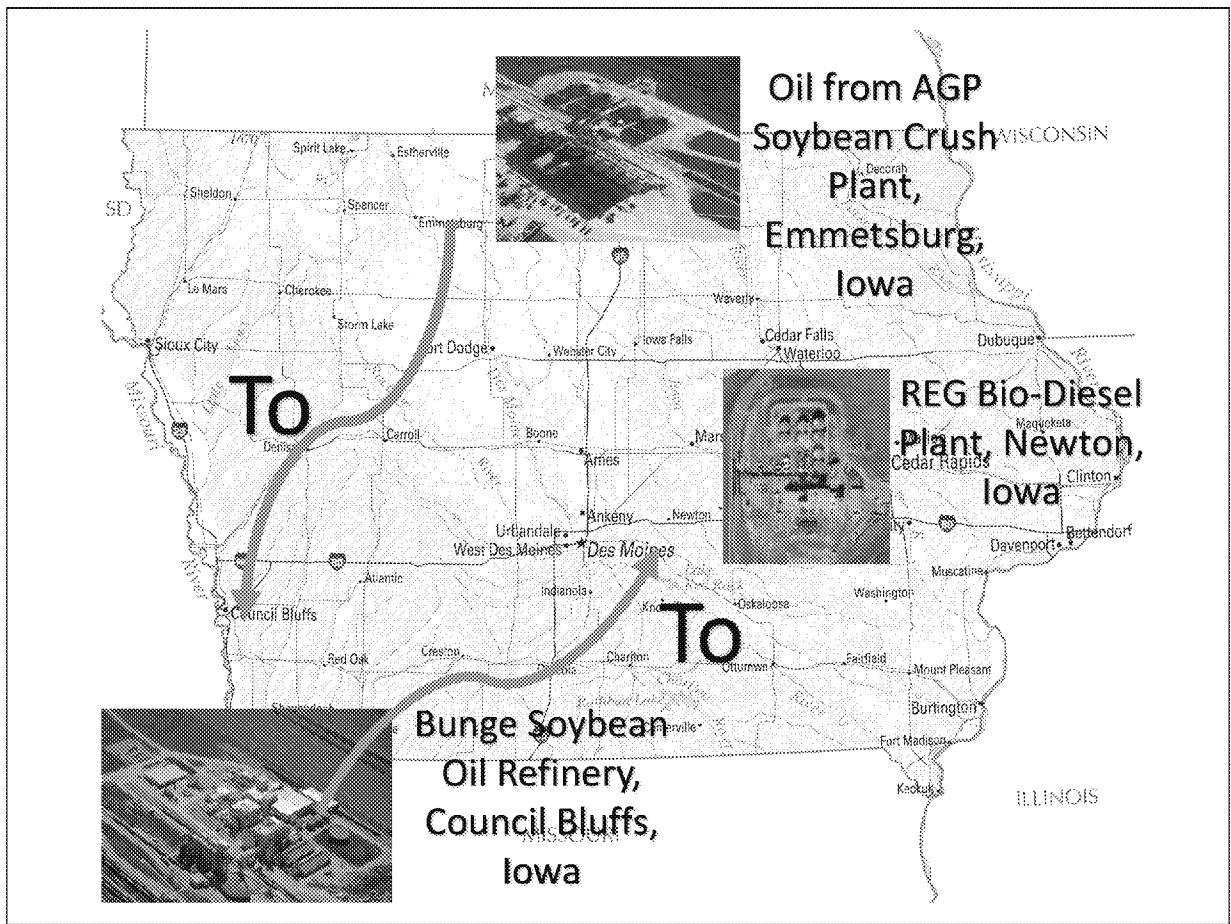
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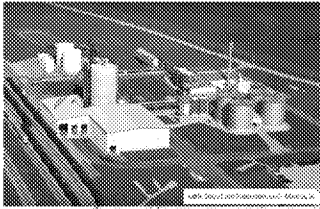




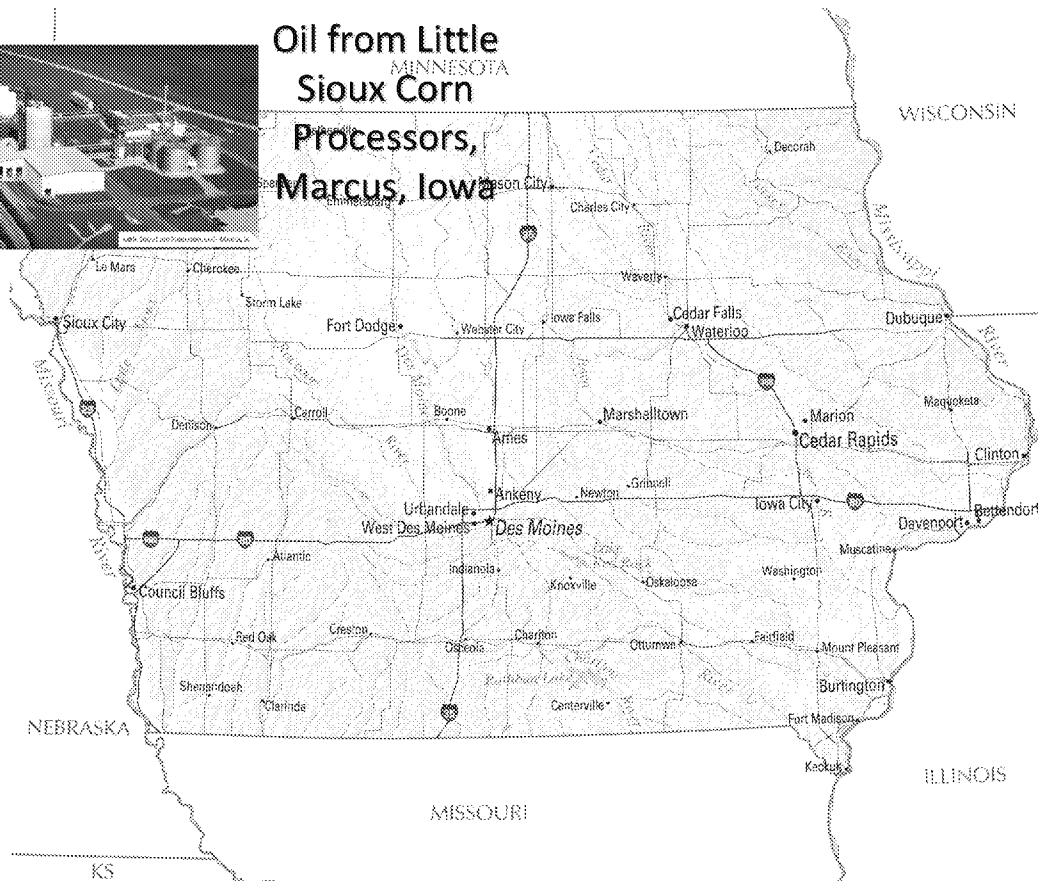


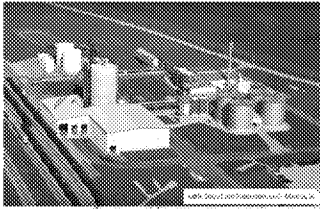




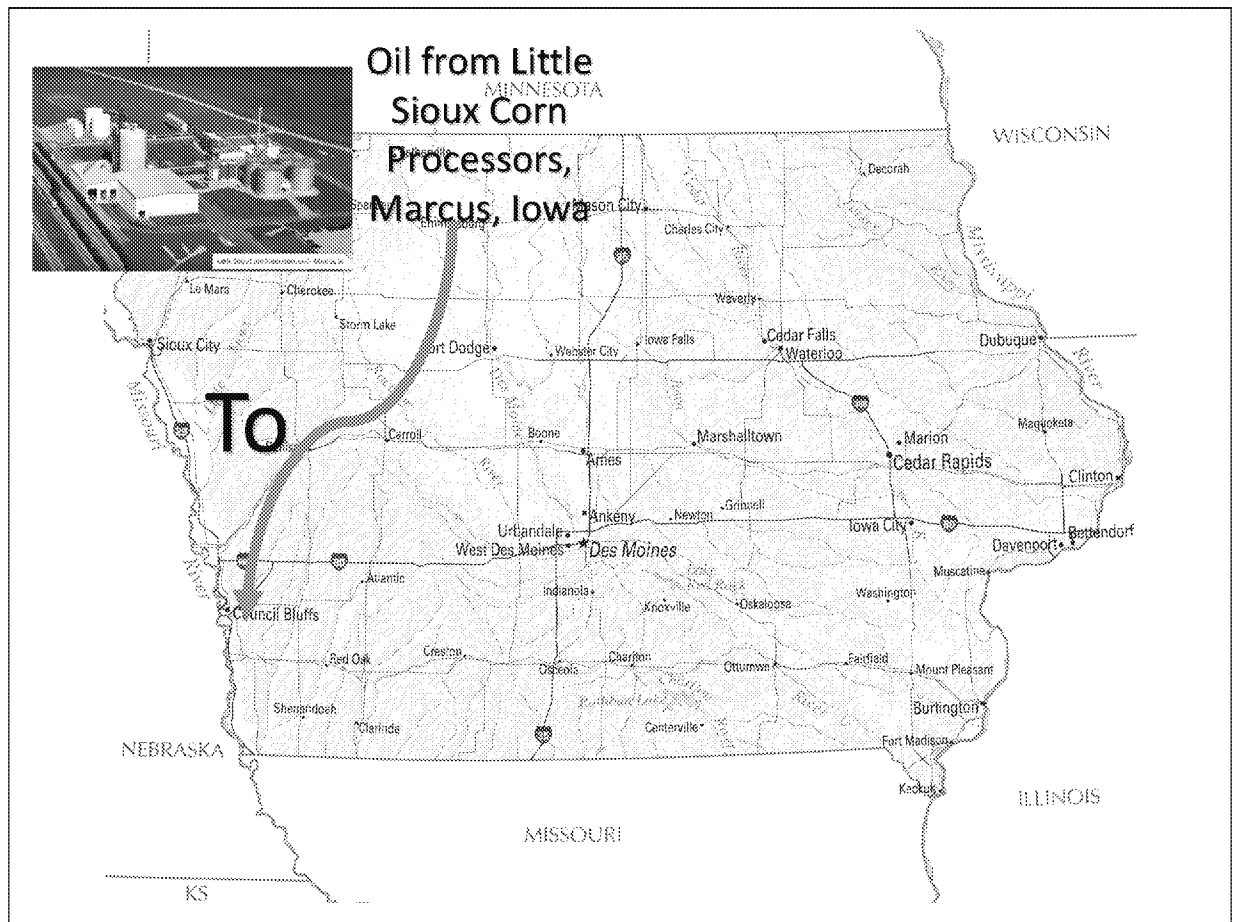


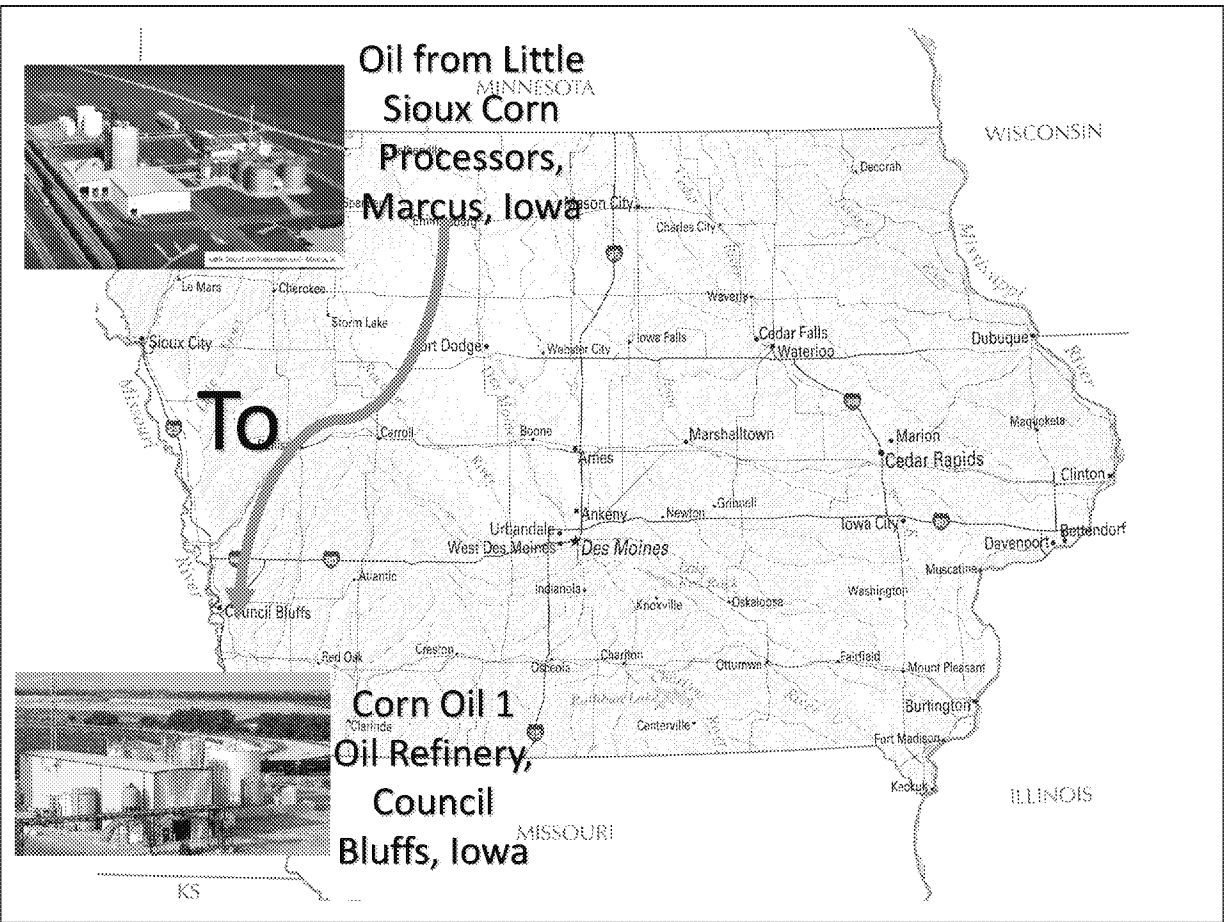
Oil from Little Sioux Corn Processors, Marcus, Iowa

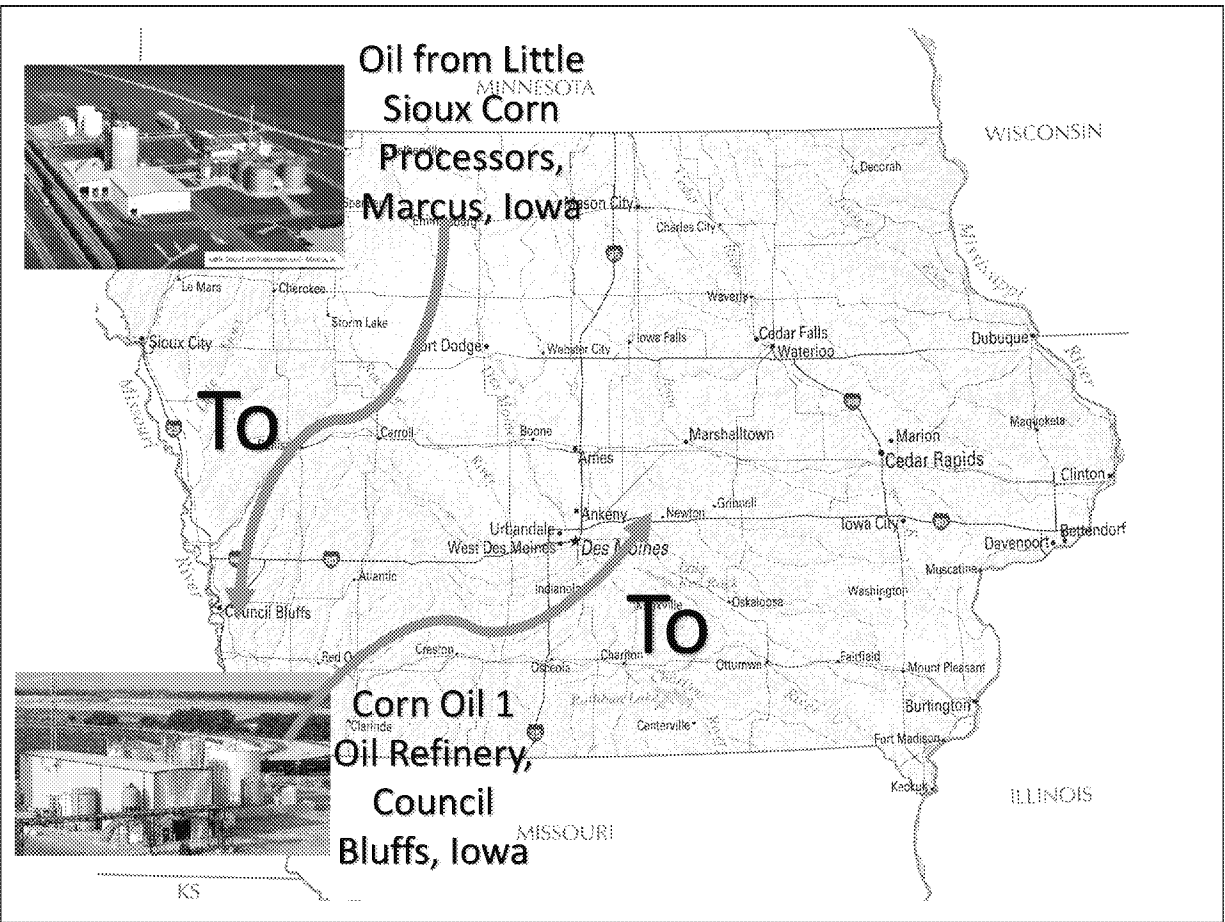


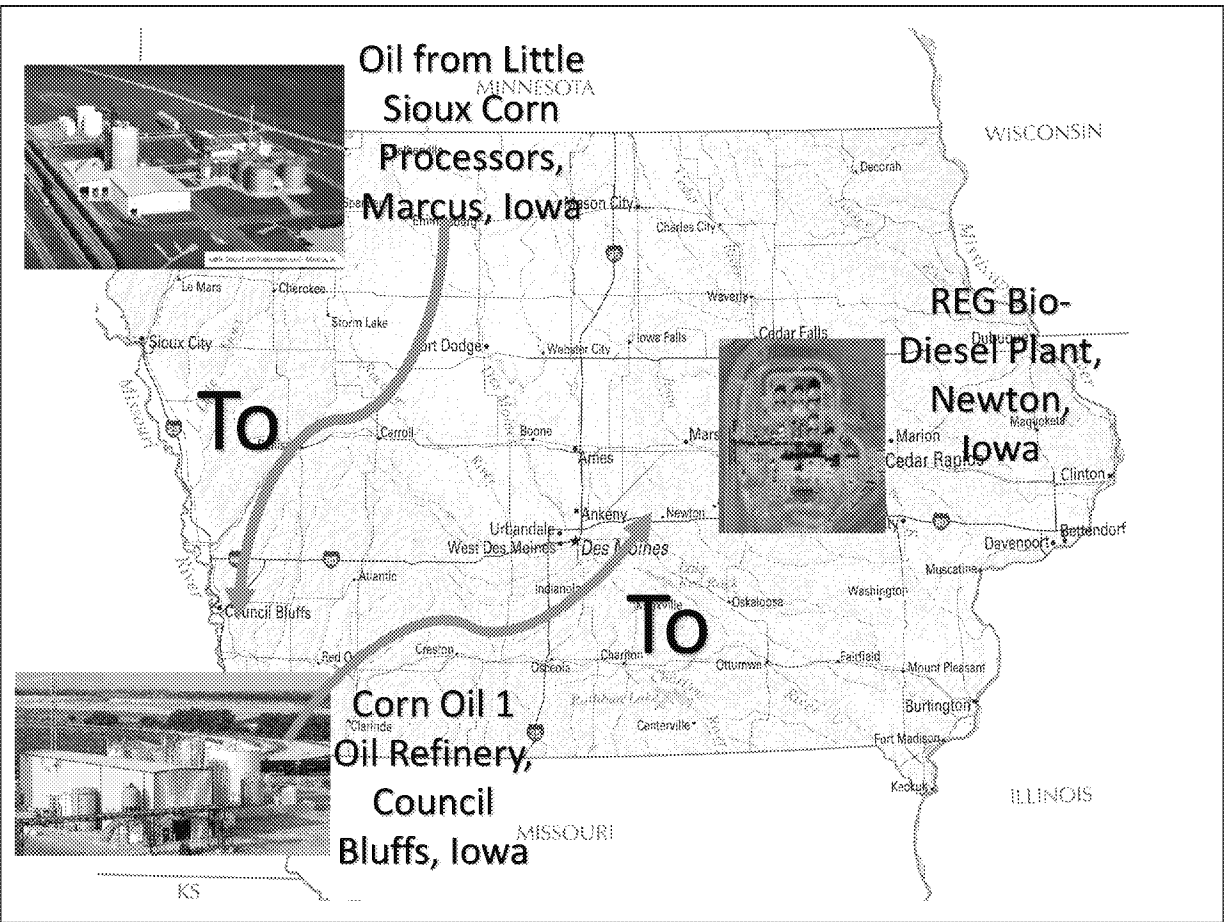


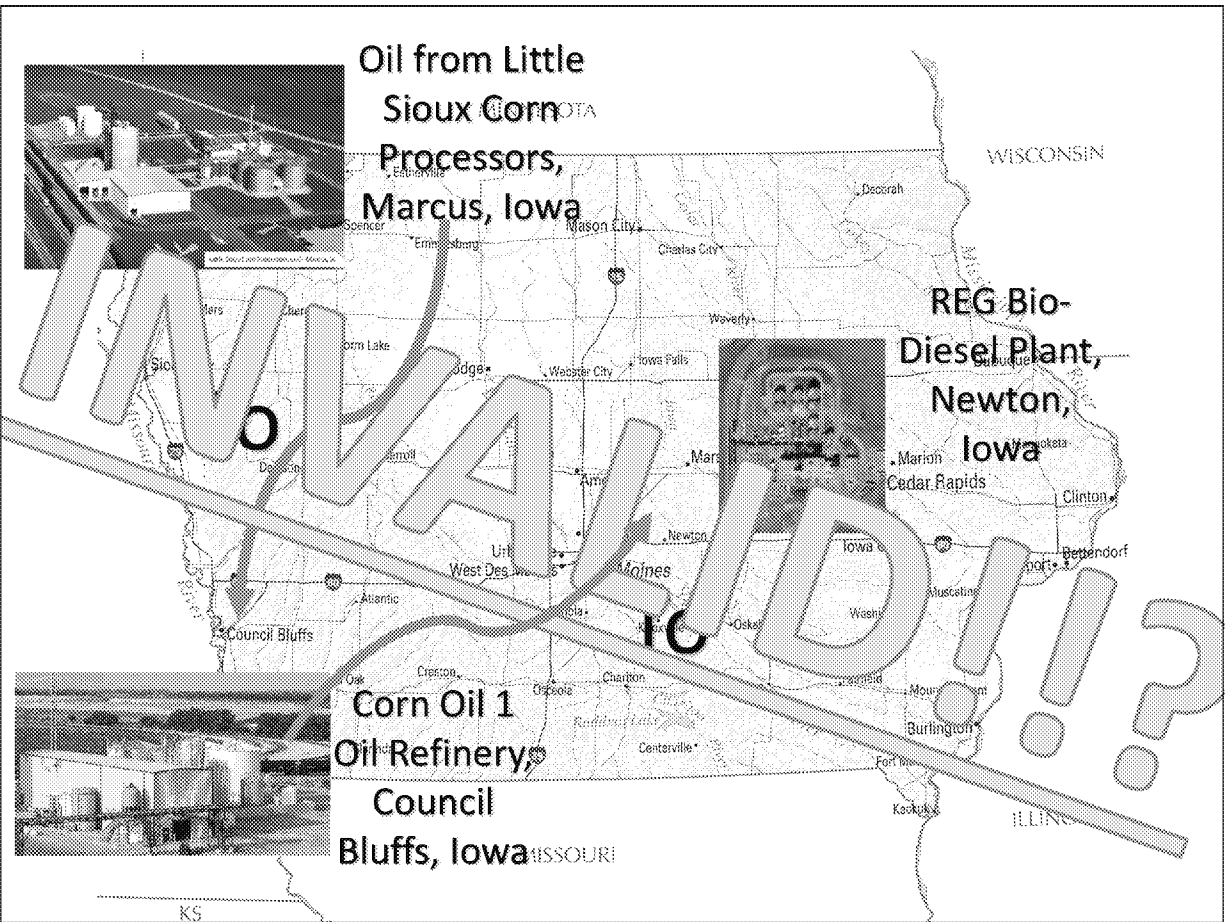
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Corn Oil 1, co-located at the Southwest Iowa Renewable Energy (SIRE) ethanol plant in Council Bluffs, is a technology, and a company, invented, built and owned by Iowans to add value to Iowa farmers, and add value to the ethanol and biodiesel industries. We can refine distiller's corn oil produced from Iowa's ethanol plants.

Our Corn Oil 1 plant was built and ready to run in February of 2015, when the EPA arbitrarily applied a term (bio-intermediary) and put us into that category, shutting off access to the biodiesel industry as specified in the RFS2. This has cost us millions of dollars, and might be the death of our company. The maddening part of our Corn Oil 1 – EPA situation is that the material flow and processing steps are exactly the same as the Soy oil industry, and they are free to participate in this market, under the same RFS2 rules!

- EPA arbitrarily classified Corn Oil 1 as a bio-intermediary, shutting us out of the RFS2 bio-diesel market. This has harmed Corn Oil 1 substantially, and has hurt the biodiesel and ethanol industry.
- By making up this “distinction without a difference,” EPA has denied Corn Oil 1 access to the marketplace, while the other vegetable oil sectors, following an identical pathway, have access to freely trade in this market.
- Corn Oil 1 needs to be immediately certified by the EPA as a qualified supplier, the same as other vegetable oils, under the original RFS2 designation. Without this, Corn Oil 1, and the industries it serves, will be irreparably damaged